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VOLUME 19

Royal Commission on Crime in Ont.

Wed. May 9, 1962.

P. 3882-4087.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

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Supreme Court Reporters
145 Yonge Street
TORONTO

VOLUME 19

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WEDNESDAY, MAY 9th, 1962

A/1/AD ---On commencing at 10:31 a.m.

DAVID GONDRAN HUMPHREY, resumed the stand.

THE COMMISSIONER: Yes, Mr. Drewin.

MR. DREWIN: Mr. Humphrey, when you gave evidence before, you spoke of a discussion you had with the late Mr. James Maloney about a statement or allegation that he had sought to interfere with a determination by Magistrate Thompson in a matter before him that affected McDermott and Feeley, and when you were asked about that you said you had a discussion with him and that he said he knew nothing about it and went on to say why such a suggestion might be made.

A. Yes.

Q. And you were not asked to proceed with that. What did Mr. James Maloney say was the reason why such a suggestion might be made if it had no substance?

A. Well, first of all he was extremely annoyed about it for a number of reasons. One, his brother Arthur was one of the defence counsel on the case and Magistrate Thompson had not

chosen to tell his brother about the alleged interference, although he had chosen to tell crown attorneys and other people who were in his office at that time, that he had never confronted Jim with it that he had gone to the Attorney General's Department about it, and he felt that his motives in so doing was to secure for himself some favour with the Attorney General's Department, and he couldn't see how he could have continued with the case and convicted the accused after these things took place, and he doubted whether any phone call of such a nature had been made to him, and if it had, which he doubted, somebody had impersonated his voice, and he didn't know how Thompson could recognize his voice at all as he didn't know him that well.

Q. I see, and did you ever discuss with Mr. Maloney or with your clients, McDermott and Feeley, an occasion on which, Mr. Cudney has told us, Mr. James Maloney interfered with his carrying out his duties in connection with the cancellation of the Centre Road Veterans charter?

A. No, all I know about that is what I have read in the newspapers.

Q. I see, Then you did refer to a statement made by the late Mr. James Maloney to the press. Did you discuss that statement with Mr. Maloney, or did you just read it in the press?

A. Oh, the statement that was printed in the press?

Q. Yes.

A. No.

Q. You referred to that when you said your discussion with Mr.Maloney was about the time Mr. Maloney released the statement?

A. No, I didn't discuss that with him at all.

Q. Now, there is one reference - it is in the report made by Chief Constable Shrubb - it is Exhibit 124, sir - in which reference is made to the fact that on May 27th, 1958, Mr. Feeley told Shrubb, or asked Shrubb, if he had been directed by the Provincial Police - had been directed to take action against the Ramsay Club, and Feeley said, "If we had not, we would be directed in two or three days." That is a report of what Mr. Feeley said on the 27th May, 1958.

MR. WILSON: No, sir, not what Mr. Feeley has said - what he is reputed or alleged to have said.

THE COMMISSIONER: Yes.

MR.WILSON: I am not questioning the way Mr. Brewin is framing his questions, but that is not quite the evidence.

THE COMMISSIONER: What volume of the evidence are you looking at?

MR. BREWIN: I am actually looking at the

report of Chief Constable Shrubb, which is Exhibit 124A, page 17, and Chief Constable Shrubb was examined in detail about this and swore this to be the fact.

THE COMMISSIONER: What is your question?

MR. BREWIN: My question was whether - well, how soon after that were you instructed to go to Mr. Bowman and suggest or ask for the prosecution of the Ramsay Club - that action be taken against the RamsayClub?

A. I was never instructed to go to Mr. Bowman and so request, and I couldn't give you any idea of the times, really, that I spoke to Mr. Bowman about this situation, but in any event I never said anything to Feeley that would indicate to Feeley that the Attorney General's Department were going to do anything, because the impression I got was that they were not.

Q. I am pointing out that the evidence has been that it was on the 3rd June, I think, about five days later, that you went to Mr. Bowman. Is that right? Do you recall that date?

A. If that is what Mr. Bowman said, that is right. I do not recall it.

Q. I don't know that Mr. Bowman said it, but I think there is a record of it.

THE COMMISSIONER: You were never instructed to go to Bowman? You were never

instructed by either McDermott or Feeley to go to Mr. Bowman?

A. No.

MR. ERSKIN: Then why did you go?

A. Well, he seemed to be the logical person to see about it.

Q. They did not suggest that you should go or ask that you should go?

A. As far as I recall, they were not too fond of Bowman. They wouldn't have suggested I go to Bowman.

Q. Did they suggest ~~k~~ you go to any official or office?

A. No, I don't think so.

Q. Was that your own idea, then, that you should go to Bowman and request that action be taken against the old Ramsay Club?

A. I don't recall going to Mr. Bowman to request that action be taken against the old Ramsay Club. My recollection is that I went up to complain of what I considered to be this abusive process. Now, while I was there I may very well have mentioned this other situation with regard to the Ramsay Club.

Q. I think there is a reference in the diary of Mr. Anderson - it is referred to in the evidence at page 207 - of June 3rd, 1958:

"Contact with Mr. Bowman re telephone "call - advised of club operating

"in Niagara Falls, Ontario -

"information from Mr. D. Humphrey

"lawyer . . . . "

A. Yes.

Q. That was the notation in Mr. Andersson's diary and I think we had further evidence that it was on or about that date, the 3rd June, that you had gone up and suggested action against the old Ramsay Club, and I am asking you if that was your own idea or whether you were instructed by Feeley or McDermott?

THE COMMISSIONER: He said it was his own idea.

THE WITNESS: I think it would be my own idea. Now, I may very well have discussed what I proposed to do with them, but I think it would be my own idea.

MR. MARIN: Now, Mr. Humphrey, you told us about inviting the magistrate - a magistrate - to the club?

A. Yes.

Q. Did you at any time make any presents to magistrates on behalf of any of your clients?

A. No.

Q. No, at no time?

A. I don't recall any presents, whatsoever.

Q. Now, Mr. Humphrey, I think you said

before that your association with Mr. McDermott and Mr. Pesley was more than a merely professional association?

A. I would have to say, particularly when the airplanes came into being, that it would not be on pure business.

Q. Social, I suggest to you, on quite an extensive scale, actually?

A. No, I wouldn't say that.

Q. You wouldn't?

A. No.

Q. And it was a business association as well as a professional association?

THE COMMISSIONER: What do you mean by "a business association"?

A/2 MR. BREWIN: I am talking about - well, you werejointly interested with him in the development of this mine, were you not?

A. Not really. I had no real interest in the mine as such. I was interested out of curiosity more than that of financial interest. I was told that when the mine came in - and at that time there was just no doubt about it - this was one of the greatest mines that was ever located - that when the mine came in there were some nebulous promises, that I would receive something, but I was not perhaps as enthusiastic as they were about it.

Q. You were the president?

A. That is correct.

Q. Did you have an actual option at one stage?

THE COMMISSIONER: A stock option?

MR. BREWIN: A stock option, yes.

THE WITNESS: That may be, I don't know.

MR. BREWIN: "May be"? You don't know?

THE COMMISSIONER: You would know whether you had it or not, would you not?

A. I don't recall, my lord. These things were all done through the lawyers' offices. There seemed to be very odd reasons for doing this in connection with mining regulations and income tax regulations, and I just don't recall.

MR. BREWIN: I think you have told us already that you may have been or thought you were listed as a promoter of this particular mine?

A. I think you told me that I was, and I said I couldn't disagree, and it may be that my name is listed.

Q. It was actually Mr. MacKinnon.

A. Yes.

Q. You don't disagree, at any rate, with that proposition?

A. No.

Q. You were listed as a promoter

and you were president of the mine?

A. Yes.

Q. And, Mr. Humphrey, did it ever occur to you that your more than professional association with these gamblers was inconsistent with your duty to ~~x~~ uphold the law?

A. I do not understand the question.

Q. You don't?

A. No.

THE COMMISSIONER: Put it again.

THE WITNESS: If you mean to assist them in engaging in legitimate enterprises, was - if that is what you are referring to, I didn't consider it that at all.

MR. ERWIN: You knew very well, I take it, that Mr. McDermott and Mr. Feeley were engaged in illegal and criminal activities? Is that right?

A. I knew that they were illegal gamblers. That is right.

Q. You, of course, as counsel - - -

THE COMMISSIONER: Just a moment. That was not the extent of your knowledge. You knew they were operating common gaming houses. You knew they operated a gaming house and that they had interests in other common gaming houses?

A. Yes, I knew that.

MR. ERWIN: And you have told us that you knew that Mr. McDermott was probably the

most skilled man in the Province is evading the efforts of the police to close down these illegal activities?

A. That is right, that he was - - -

Q. Yes.

A. - - the most skilled person that I knew of in operating a gaming house.

Q. And he gained that knowledge and his skill in evading the law of this country through your association with him?

A. No, I don't think so at all. I think I would gain more knowledge of that from just general conversation than from him.

THE COMMISSIONER: General conversation with whom?

A. Well, with different people. Everybody seemed to be discussing this club and what was going on out there.

MR. ERWIN: You don't think, then, Mr. Humphrey, that your continued social and if I may say so, non-professional association with these men was inconsistent with your duty as a barrister and solicitor to uphold the law?

A. Well, at the time that I knew them I, needless to say, didn't approve of their illegal activities, but at that time they were not the monsters that they have been made out as of recent dates by other allegations that I had no knowledge of were

made concerning them. They were very, very personable people, and to engage in some social activity, such as flying and fishing and so forth and so on, I saw no harm in it at the time, although I must say that in view of recent events I much regret that association.

Q. But after - surely, Mr. Humphrey, with your previous experience as a former Crown Attorney, you were not unaware of the full implications of these men's activities, wereyou?

A. No, other than just gambling activities, I hadn't the slightest idea that there was anything else involved at all.

Q. Well, what about the effort to deceive and defeat the police in their efforts to enforce the law? You knew that McDermott and Feeley were, shall I put it, masters of that particular art or game, didn't you?

A. I don't know what you mean by "deceiving the police." They were taking steps so that the police could not catch them. If that is deceiving the police, yes, I suppose they were doing that.

Q. And they were not unskilled in doing it - they were experts?

THE COMMISSIONER: You knew they were doing it?

A. Yes, I knew they were taking

steps not to be caught out in breach of the gaming regulations. Yes, I know that.

MR. ERWIN: I will just put the question once again, Mr. Humphrey, and I will be through then. You don't see anything inconsistent in what you did with your oath as a barrister and solicitor to uphold and not pervert the laws of this Province?

A. No, no.

THE COMMISSIONER: Mr. Rose, have you some questions to ask?

MR. ROSE: Yes, I have a few questions I would like to put.

THE COMMISSIONER: Very well.

EXAMINED BY MR. ROSE:

Q. Mr. Humphrey, when Mr. Erwin was questioning you a moment ago, did I take you down correctly as saying that you knew that they, referring to Feeley and McDermott, operated a common gaming house and had interests in other gaming houses?

A. Well, I knew that they were - - -

THE COMMISSIONER: You were asked did he take it down correctly.

A. I don't recall.

MR. ROSE: It was only a minute ago.

THECOMMISSIONER: Just a minute. Mr. Reporter, would you read the question, please?

THE REPORTER: "Q. Mr. Humphrey, "when Mr. Erwin was questioning "you a moment ago, did I take "you down correctly as saying that "you knew that they, referring to "Feeley and McDermott, operated a "common gaming house and had "interests in other gaming houses?"

THE COMMISSIONER: The answer is yes or no.

A. I think the answer is yes.

MR. ROSE: I beg your pardon?

A. I think the answer is yes.

THE COMMISSIONER: You took him down correctly.

MR. ROSE: Yes.

Q. Now, when you say that you knew they had interests in other gaming houses, what is your definition of "interest" that you used?

A. There were somehow interested in these other betting houses and gaming houses that we have been discussing, or in the personnel connected with them. They were interested in these situations.

Q. I take it that when you say they you knew they had interests in other gaming houses, you are not saying that they had financial interests in those gaming houses or that they were partners in there to any extent?

THE COMMISSIONER: Well, why don't you put it - - -

THE WITNESS: Which question do you want me to answer?

A/3

THE COMMISSIONER: Yes. Why don't you put the period or strike out that part of the question "to any extent"?

MR. ROSE: Let us try another one. When you used the words "they had interests," do you know, as a matter of fact, that they had financial interest by way of being partners in other gaming houses?

A. No, I don't know that.

Q. I am sorry, I couldn't hear you.

A. No, I don't know that.

Q. Now, Mr. MacKinnon and Mr. Erwin were asking you yesterday concerning the mortgage that was drawn up in your office. That is the mortgage of Mr. and Mrs. Gardner to yourself?

A. Yes.

Q. I believe that mortgage was dated and drawn on the 5th day of May, 1958?

A. Yes.

Q. Do you recall drawing up the discharge at approximately the same time?

A. My recollection always was that the discharge was drawn at the same time as the mortgage. It seems I am wrong about that.

Q. You see, in Exhibit 132, which is the mortgage, as far as the form itself is concerned, you, in duplicate show the 5th day of May, 1958, and as far as the discharge is concerned the front of the form shows that it was drawn on the 21st day of May, 1958 and signed by yourself, originally it would appear, on the 21st day of May, 1958, with "May" subsequently struck out and "Nov." put in there, with your initials, for "November".

THE COMMISSIONER: I suppose the document speaks for itself.

MR. ROSE: Yes.

Q. Now, since you gave your evidence yesterday, I believe that you have seen fit to inform yourself further in respect to this mortgage, have you not?

A. Yes, I have.

Q. And in respect to the events leading up to the drawing of that mortgage?

A. Somewhat, yes.

Q. And I suggest to you that your own personal knowledge is that Frank Gardner was sentenced to his term of imprisonment on the 31st day of December, 1957?

A. Yes.

THE COMMISSIONER: What date?

MR. ROSE: The 31st December, sir, 1957.

THE COMMISSIONER: Thank you.

MR. ROSE: And that he was released from jail on either the 23rd or the 28th days of April, 1958?

A. Yes.

Q. Now, is it not a fact - - -

THE COMMISSIONER: What date?

MR. ROSE: On either the 23rd or 28th April, 1958, sir.

THE COMMISSIONER: Yes.

MR. ROSE: Now, is it not a fact - - -

MR. WILSON: My information, Mr. Commissioner, is that the actual sentence was on January 6th, 1958.

THE WITNESS: I think the conviction was on the first date and he went into custody on that date and he was in custody a week or two weeks pending sentence.

MR. ROSE: Now, after Gardner's release in the latter partof April, 1958, did not Joseph McDermott bring to your office a fairly large sumof money?

A. (Witness referring to a diary) I have a note in the book here of the date. My books show that on May 5th of that year $5,050. were deposited in my client's trust account, and it is marked "re Gardner" or "Gardner mortgage" or something.

THE COMMISSIONER: That was not the question. The question was that after Gardner was released, namely, on May 6th, did McDermott bring to your office a large sum of money?

A. Mr. McDermott brought to my office - and the only date I have is May 6th - this amount.

Q. How much?

A. $5,050., and the next entry in connection with this - - - -

Q. Just a moment.

A. I am sorry.

Q. Are you saying that that is the amount of money that McDermott brought to your office?

A. As I recall, my earliest recollection of this was that there was no money involved at all, and I am now corrected by everybody and my books on that. The only person who would have brought the moneywould have been McDermott and so it must have been McDermott who brought it on or about May 6th.

(Page 3900 follows)

B/1/FP

MR. ROSE: Q. And this was just after Gardner's release from jail?

A. Apparently.

Q. And I suggest to you that as a matter of fact that money was the result of a collection taken up amongst numerous persons in order to help Gardner out of the financial difficulties that he had at that time?

A. I have only been told that since. As I say, I have no recollection of money at all.

Q. Did you not check that with Gardner yourself?

A. Well, as you know, I spoke to Mr. and Mrs. Gardner on the phone last night, and he indicates that is what happened.

Q. The mortgage itself, it would appear from what I recall of it, was executed in Windsor by Mr. and Mrs. Gardner?

A. Yes.

Q. And that was executed on the 12th day of May, 1958 according to the affidavit of execution?

A. Yes.

Q. And I see that the person who swore the affidavit - I am sorry, it is the affidavit as to legal age - was Mr. J.E., appears to be Zeron?

A. Yes.

Q. Are you familiar with that name?

A. Well, I have discovered that the solicitors that were selected by us to handle that transaction in Windsor were Zeron and Zeron, the younger Zeron apparently being a classmate of my partner Locke.

Q. And as a matter of fact, Mr. Humphrey, did you not at the time that you sent that mortgage to Zeron and Zeron in Windsor to be signed by Mr. and Mrs. Gardner, send along a cheque for $5,000 and some-odd that McDermott had brought in, the collection cheque, let us put it that way, that McDermott had brought in a few days before?

A. Well, I can only presume so, because on May 8th I have got an entry in my books: "Zeron and Zeron, $5,050. regarding Gardner mortgage".

Q. As a matter of fact, Mr. Humphrey, was there not one or two mortgages already on the Gardner property and the $5,050. you sent to Zeron and Zeron was used for the purpose of discharging those mortgages?

A. Well, I have no recollection of this except this is what Mr. Gardner told me last night, that he owed a Dr. Winstock moneys about that amount. I have no recollection of it.

Q. Does the name Dave Richardson mean anything to you at all?

A. Mr. Gardner told me Mr. Richardson

was the one who executed - he is a barrister in the Canada Building in Windsor - that he was the solicitor they went to about the discharge. Other than his telling me about it, I have no knowledge.

Q. In any event you sent out the money and you sent the mortgage for signature?

A. Yes.

Q. Then would you agree with me that it would seem that the discharge of mortgage which you prepared on the 21st day of May, 1958 must have been retained in your office for some length of time?

A. I cannot say it was retained in my office.

Q. The reason I suggest that to you, sir, is because if you look (you already have) at the discharge of mortgage, you will notice that it appears that you signed it on 21st May, and "May" scratched out, and "November" substituted, insofar as the affidavit of execution is concerned.

A. That may be, but whether it was in my office in the interim I have no knowledge.

Q. In any event would you agree with me it must have been in November when that discharge was delivered?

A. That seems to be the case.

Q. Because as a matter of fact that discharge was registered, I believe, on 8th

December, 1958. Do you recall why the discharge was sent to the Gardners?

A. No. As I say, the only recollection I have of it is the fact that the discharge, I thought, was sent them with the mortgage. Apparently I am wrong about that. Why the discharge was sent I don't know, and I don't think either Mr. or Mrs. Gardner could tell me last night why it was sent, as I recall.

Q. There is no doubt that you made up the discharge at approximately the same time you made up the mortgage?

A. That is my recollection.

Q. I presume if something had happened to you, you dropped dead or were killed, the discharge would be there so that Mrs. Gardner would be protected?

A. As I say, I can't say whether it was in my office or not.

Q. My friend, Mr. Brewin, discussing with you the conversation about it with the late James Maloney following this reported or alleged telephone call to Mr. Thompson, Magistrate Thompson, you did elaborate on it to a certain extent from what you said yesterday. Is there anything else in connection with the conversation you had that you have not as yet told us about?

A. Nothing that I can think of.

Q. With respect to this question of bribery or attempted bribery of judicial officers, do you know anything about an alleged offer of $50,000 to Magistrate Addison?

A. Well, I know that there was a headline, front page story, in the Toronto papers where both magistrates, that is Thompson and Magistrate Addison, had announced that interference with their cases had taken place, and that Magistrate Addison was purported as having said that on the Bluestein case there was an offer of $50,000, as I recall. I understand that other persons such as ---

THE COMMISSIONER: Just a moment. I don't want any misunderstanding about other persons if he didn't know anything about it.

A. No, it is just that I have been told by other persons as to whether or not Magistrate Addison confirmed this at that time.

MR. ROSE: Q. Yes?

A. Which he did, and at the time of the alleged bribery, I mean, that he confirmed that there was an alleged bribery, as I understand it.

I saw him the day after the newspaper article by coincidence, I think in the coffee shop, and I said in my usual joking way that this means so much trouble, that that was a pretty nice offer in the gaming house case, well above and beyond the ordinary and so forth

and so on, and "Why didn't you take it?". He said, "Well, I would have except it was not offered" and we both laughed.

Q. He said it was not offered?

A. He said it was not offered, and I understand that since then he has formally disclaimed any offer having been made to him.

Q. You have told this inquiry that you first became acquainted with McDermott at the time of the prosecution of the Tisdale Club in Peterborough?

A. Yes.

Q. Approximately what date was that?

A. 1955.

Q. 1955?

A. Yes, '6.

Q. And I gather that your association with them as a solicitor and also, incidentally, socially to some extent, continued up until a short time ago?

A. Yes.

Q. That would be a period of at least six years?

A. Yes.

Q. And during that course of time you were, if I can put it this way, seemed to be their personal solicitor in respect to many matters?

A. Yes.

Q. Despite the fact that they had

other lawyers work for them?

A. They have had numerous lawyers during the years as far as I know.

Q. I imagine it would be fair if I say that you came to know them exceedingly well?

A. Yes, I came to know them quite well.

Q. And during the course of that six year period up until a short time ago, did you discover from either Feeley or McDermott that at any time they had engaged in corruption of any judicial officers, law enforcement authorities or members of the Attorney-General's Department?

THE COMMISSIONER: Just a moment. You were claiming the protection of privilege yesterday. Are you waiving it today?

MR. ROSE: I didn't ask that they had said anything to him. I said: Did he discover through that association ---

A. Well ---

THE COMMISSIONER: Just a moment. Are you waiving the privilege now?

MR. ROSE: I do not think this is a question of privilege, Mr. Commissioner.

THE COMMISSIONER: Then you are asking whether or not he discovered from them that they were engaged in the corruption of officials?

MR. ROSE: All right, let me put it another

way and perhaps the question won't arise.

Q. Mr. Humphrey, have you any personal knowledge of any attempt at corruption or corruption by Feeley and McDermott of any member of a law enforcement body, of the Attorney-General's Department, or of any judicial officer?

A. Personal knowledge?

Q. Yes.

A. No.

Q. That is all the questions I have.

EXAMINED BY MR. WILSON:

Q. Yesterday in your evidence at page 3788 ---

HIS LORDSHIP: Let me see yesterday's volume of evidence. What page, Mr. Wilson?

MR. WILSON: Page 3788.

Q. There is a reference to the Ramsay Club and the attitude of McDermott and Feeley towards what they thought was the special treatment, and you went on to say that the theory of their joining up with the Ramsay Club or getting them out of business only became apparent when the prosecution, I take it

the preliminary hearing, of the charges against Wright, McDermott and Feeley commenced?

A. As far as whether or not McDermott and Feeley had ever joined up with the Ramsay Club I don't recall anything about that until these cases somehow got started. I don't recall that at all.

B/2

Q. I just want to be clear, you had learned - that of course would be in March, as I recall it, of 1961, or around that time, in 1961 when the preliminary hearing was had?

A. Well, it must have been possibly before that. I just can't honestly say but it was some time long after they were alleged to have joined up with them that I heard any suggestion that they were, and I can't honestly say how I heard of it or whatever source of information was. I know at some later stage, it seemed to be quite a bit later after this prosecution of the Ramsay Club.

Q. And you, of course, had known about the so-called Ramsay brief as early as September of 1958?

A. That may be. I don't know.

Q. I mean, you have given that in evidence.

A. Have I? I hope it is right.

Q. Well, you recall the meeting you had where you had a discussion with Constable Moore?

A. Yes, if that is the date that meeting was, I knew about the brief at that time.

Q. Now, I just want to be clear about your evidence in regard to the Frontier Club. Did you actually attend the club, were you actually physically in the club on one or more occasions?

A. Yes.

Q. And were you in fact there when a raid on the club occurred?

A. Purposely.

Q. Purposely?

A. Yes.

Q. And what prior warning did you have that there was going to be a raid on the occasion you were there?

A. Well, none. I was told they raided it once or twice a night, and I think I went there one night and I waited out in the car for some period of time and they did not come, and I went home and went down on another occasion, as I recall,and they came.

Q. How many nights were you there before they actually raided the premises?

A. I would say one or two.

Q. And you identified yourself, I take it, to the raiding officers?

A. Yes.

Q. And you said you were the club lawyer?

A. Yes.

Q. I wasn't quite clear from your previous evidence, what your actual appearances were at the club, and I just wanted to clear that up.

THE COMMISSIONER: Just to develop that a little, how long were you there before the raid took place?

A. Gee, that would only be a guess, my lord. An hour or two, maybe three, within three hours - possibly some middle point in the three hours.

Q. On how many previous occasions had you been there waiting for a possible raid?

A. Possibly two.

Q. And how long were you there on each of those possible two occasions?

A. Maybe two hours, maybe three hours.

Q. What was the nature of the operations that were going on while you were there?

A. Well, I went in at first - first of all there would be hardly anybody there by this point, hardly anybody came. I would go and have a cup of coffee or something and sit around and stay for awhile, and then sit around outside for awhile, and there was just nothing going on that I could speak of.

Q. In other words, there was not a bank game going on while you were there?

A. There was not any game going on in front of me.

Q. None at all?

A. No, except after the police officers arrived.

Q. Then what?

A. Then I identified myself and said: "I just want to see how you are conducting your raid in here" and they conducted the raid and I said, "why are you people, tell me, why don't you charge this place if you think it is a common gaming house and you are raiding it every night and you are raiding it to get evidence and there are found-ins guilty in that period of time, and so forth, what is it you want to take this case to court to see whether it is a gaming house?". "Well" they said, "we have never seen gambling going on here". I think I said, "You haven't? Well then, why don't you fellows -- " and there were a few, three or four fellows around - "have a game, and then these officers will have a case and then we can take it to court". And I think some people started to play dice and I said: "Well, there, they are playing dice, if that is all that is required". And the officers made a phone call and left. That is the last time I was there.

MR. WILSON: Q. You mentioned yesterday that the Centre Road Club had a declining level

of respectability.

A. Did I say that? I thought they were all pretty respectable and I think I was corrected and said some were not.

Q. No, I thought you said that towards the end possibly it was not quite as respectable.

A. I didn't mean it.

Q. Didn't you mean that?

A. No, I meant by the publicity that was given the place.

Q. I see. Now, you told us about taking a magistrate there for lunch one day in 1957?

A. Yes.

Q. Did you also take Royce Frith there?

A. Well, it is not fair to say that I took him there. We went there together.

Q. Tell us the circumstances in which he went to the club.

A. Well,I don't really recall the date, I think it was in the summer time, I think, as I recall, and my late wife would be at the cottage with the children. I met Mr. Frith at the Town Tavern. I can't say whether it was by appointment or by accident. We had a few drinks there. We were sitting with Mr. Berger, the proprietor of the Town Tavern, and somehow it was decided that we would go out and try our luck.

Q. Try your luck?

A. Yes, and we went out. As I recall we only gambled for a short time. Mr. Frith was making quite a bit of noise throwing the dice, I think, and was warned two or three times to be quiet, and then I think after that we lost a small sum. We went downstairs and had, I think, a drink, possibly not, and a sandwich, and then we went home.

Q. Well, is this the usual bank game in operation on that occasion?

A. I believe it to be a bank game. I am not an expert. I believe it to be a bank game.

Q. And was Frith a member of the club at that time, or did you take him in on the basis of your membership?

A. I don't recall.

Q. Do you remember what year that was?

A. No, I don't.

Q. No way of fixing the year?

A. Gee, that would be awfully difficult, Mr. Wilson. I would guess ---

THE COMMISSIONER: Don't guess.

A. I can't say. It would be some considerable time ago.

MR. WILSON: Q. Well, we do know that the club closed down in June of 1960.

A. It would be before it closed.

Q. Well, a year or two before it closed?

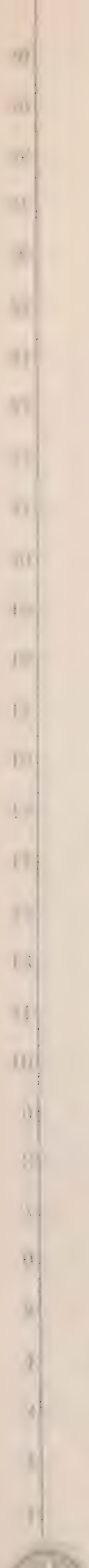
A. That would be my best estimate, a year or two before.

Q. That is all, thank you.

THE COMMISSIONER: That is all.

---Witness left the stand.

MR. WILSON: Mr. Maloney



ARTHUR MALONEY, sworn

EXAMINED BY MR. WILSON:

Q. You are a practising solicitor and barrister in the City of Toronto?

A. That is correct.

Q. And you, I think, are aware of a certain entry in a diary kept by Constable George Scott which came to light during the preliminary proceedings of the prosecution of Wright, McDermott and Feeley?

A. That is correct.

Q. And by reference to that report or series of reports which have been filed here as Exhibit 61, in the sixth report which is dated April 14th, 1960 and under the particular date of April 12th ---

S/3 THE COMMISSIONER: Let me see Exhibit 61.

MR. WILSON: Q. There appears at item No.8 the following statement.

THE COMMISSIONER: What date is that?

MR. WILSON: April 12th.

Q. The statement is on page 15, Mr. Commissioner, which Constable Scott attributes to Constable R.J. Wright, as he was at that time, and it reads as follows:

"The brief on the Ramsay Club was
"composed by D. Humphrey, P.C.Wright
"and others. Thereafter it was
"forwarded to Arthur Maloney, Federal

"M.P., who gave it to James
"Maloney, present Ontario
"Minister of Mines, and he in
"turn gave it to District
"Inspector Stringer. Inspector
"Stringer then turned the brief
"over to Sergeant Anderson."

THE COMMISSIONER: What page is that?

MR. WILSON: It is page 16, Mr. Commissioner, item No.8.

THE COMMISSIONER: Thank you.

MR. WILSON: Q. Now, when this alleged statement came to your attention, what did you do?

A. Well, it first came to my attention the day it was made in court. I have forgotten the date, but it was some date in March 1961. I was in Ottawa at the time and I came back to Toronto and I appeared in Magistrate's Court, I think, the day after it was given, maybe two days after, and explained to his worship then, as I explain to his lordship now, I have never seen the brief; I have never had anything to do with it; I had nothing to do with its preparation or delivery, directly or indirectly or in any way, shape or form.

I explain that now under oath, as I explained it earlier. I was not under oath in Magistrate's Court, but I denied it then and I deny it now. I know nothing about the

brief, nothing whatsoever.

The first I heard of any suggested connection between me and the brief was when it was brought to my attention that this evidence had been given in Magistrate's Court - and incidentally the notation that you read from, if my recollection of what I was told at the time I appeared in Magistrate's Court is correct, there was no reference in the officer's original notes to the name of "Arthur Maloney".

(Page 3920 follows)

MR. WILSON: Q. I think that arises out of the fact that in the diary Fred Maloney appeared?

A. Fred Malone, appears, Federal M.P.

Q. I do not know whether the "y" is on that or not?

A. My recollection is that it is not.

Q. Did you know wither Vincent Feeley or Joseph McDermott?

A. Yes, I met both of them in connection with the case I acted in as one of two defence counsel in New Toronto, the first recollection I have of ever meeting them.

THE COMMISSIONER: Q. You met them when you represented them for the defence?

A. Well, I acted for one of the two accused in the case of Regina versus Plesechuk and Chapell, which we determined was disposed of, I think, in New Toronto, in May of 1957. Now, I think I must have met them in connection with that case, although I do not specifically recall it. When I do specifically recall having first met them was in connection with another case in which I acted for an accused named Currier, Kenneth Currier.

Q. This is earlier?

A. No, this was later. This was in, I think it was decided -- the decision was given in April of 1959. That is my first recollection of having met McDermott or Feeley.

In view of their now known connection with the club back in 1957 it may well be I met them then, but I do not really recall ever meeting them until the case that was disposed of in April 1959.

MR. WILSON: Q. Your legal practice is primarily concerned with what type of law?

A. Well, the majority -- all of my work, practically, is counsel work, either criminal or civil; and the majority of my counsel work is criminal cases of this sort, and many types and varieties.

Q. Was there anything different in the way McDermott brought work to you in those two instances?

A. Well, in the first place, I came into both cases at the request of my colleague at the bar, David Humphrey, and he remained associated in both cases, acting for one of the accused in each case. I was never retained by McDermott or by Feeley, or asked by them to take these cases. I took these cases at the request of Mr. Humphrey.

Q. I think in the Pleschuk case we have been told there was an acquittal -- or, Pleschuk and Chapell, and in the Currier case there was a conviction?

A. As a matter of fact, until I saw the transcript of the Pleschuk and Chapell I had forgotten about it, but I remember the

Currier case in 1959 in which there was a conviction. Then, there was an earlier club that has been mentioned in the proceedings, in Peterborough.

Q. The Tisdale club.

A. The Tisdale club.

I came into that case to act -- There were a number of accused and I think I acted for all of them. I came into the case at a very late stage. There had been a trial, a conviction, an appeal from that conviction, which as I recall it had set aside theconviction on the ground the proceedings originally had been a nullity. Then, the Crownproceeded de novo and it was after that, when it was decided that these accused were going to plead guilty, that I came into the case. And, as I recall it, that case was not brought to me at all by Dave Humphrey, but was referred by my late brother Jim, who was a practising lawyer in Renfrew and did a considerable amount of criminal defence work. And my recollection is, that one of the accused had an old Renfrew County background -- he or his family came from there -- and knew the Maloney family, and that is my recollection of how it came to Jim Maloney. He was going to take it and, then, he asked me to go down and appear on it, and I did.

Q. This was in January, 1957,and at that time he was a private member in the

Legislature?

A. Yes. I think he had been elected the previous March, 1956. I think that was the first time Jim Maloney was elected to the Legislature, the by-election.

Q. Insofar as that case is concerned you had no connection with Feeley or McDermott?

A. No, I had never met them or realized they had any connection with the establishment.

Q. Apart from the occasions you have mentioned have you had any social contact with them?

A. None whatever.

Q. In connection with the Currier case there has been some suggestion, some possibly inference that your brother made a telephone call to Magistrate Thompson. Have you any knowledge of any such activity on the partof your brother?

A. The rumors in which this was alleged were brought to my attention weeks, if not months after the disposition by Magistrate Thompson of the Currier case.

Q. That is, he had convicted the accused?

A. Yes. Currier wasconvicted and the other accused were convicted. And this was quite common talk around City Hall, that Magistrate Thompson alleged my brother had called him.

I was one of the last persons to hear this. I spoke to my brother Jim about it and Jim denied very emphatically he had called Magistrate Thompson. And, then, later on, at the time of the preliminary hearing in March, 1961, in regard to the conspiracy charge against Mr. McDermott and Mr. Feeley and Mr. Wright, the story got some currency again. It was not given in evidence but the story was given some currency again around City Hall. And, I remember discussing it, then, in conjunction with some other allegations made against my brother arising out of Constable Scott's diary and again he denied he had called Magistrate Thompson.

I was very close to my brother Jim and very fond of him. He was one of the finest men I ever met in my life. He had a warmth of heart and sense of charity and kindness that most people do not really have to that degree. He would never refuse his help to anyone and , yet, in all my knowledge of him I had every confidence in his honesty and in his integrity. It grieves me very deeply to see the innuendos that crop up from time to time against a man now dead and who cannot defend himself.

He prepared a statement denying the accusations that were made against him in his lifetime. He is not in a position to deny those that have subsequently been made. He cannot

come here, like I can and the others, to swear on oath that these accusations are unfounded.

But, whatever happens from now on, I hope what I have now said will be borne in mind.

Q. To your knowledge did your brother know MagistrateThompson?

A. Yes, they met so far as I know once up at my house.

Q. Under what circumstances?

C/2 A. Well, Magistrate Thompson was originally a newspaper reporter who, for quite a number of years, confined himself pretty exclusively to covering the news arising out of court cases in both the City Hall and Osgoode Hall. So, all those of us of the legal profession whose profession brought them into court day after day got to know Magistrate Thompson - Fred Thompson as we knew him then - very well and acquired a very high regard for him. We acquired a regard for his layman's skill as a lawyer, too, because being in the courts so much he acquired a real knowledge of criminal procedure and criminal law and he became desirous of being appointed to the bench as a magistrate and he solicited the support of a number of us. I was one of perhaps six members of the legal profession, all of the others who were outstanding members of the legal profession - one of the members of the trial or appellate

division of the Supreme Court was one. And we supported him in his appointment, and his appointment was, accordingly, made.

It was after this some time, I have forgotten how long, Magistrate Thompson was anxious to be confirmed -- I am not sure what the exact promotion he wanted was but as I understand it he is now classified as a deputy magistrate and he wanted to be classified as a permanent magistrate, or whatever the next step above a deputy magistrate is. And he spoke to me about it and he asked me to speak to my brother Jim on his behalf, which I did, without any hesitation whatever. He wanted an opportunity to meet Jim and explain his background to Jim personally. And Jim came up in my house one day for dinner and I had Magistrate Thompson over to meet him. I, frankly, do not remember when that was. I am not even sure if the meeting was at the time when Jim Maloney was in the Cabinet. He wentinto the Cabinet in December of 1953. I had the feeling it was summer weather or balmy fall weather; I didn't have the impression of winter, or anything of that sort. But, I do not, readily, remember the date of the meeting. So far as I know that was the first and last meeting either one of them had.

Is that the point you were asking me about?

Q. Yes, that is correct.

THE COMMISSIONER: Q. What date did you say your brother went into the Cabinet?

A. December, 1958, my lord. I have forgotten the exact date. It was around the Christmas period I think.

MR.WILSON: Q. Now, there has been reference in the evidence to a meeting at Montreal with Donald Gordon for the purpose of making representations in respect to the Jordan Club and the apparent decision of the Canadian National Telegraphs to remove the ticker service providing sports results that had been in operation at that location. Your name has been mentioned in that connection?

A. Yes. I met Dave Humphrey and Hugh Locke in Montreal for thepurpose of making representations to Mr. Donald Gordon. I wasn't asked by Feeley or McDermott to go; it was Dave Humphrey who asked me to do it. I was not approached by either McDermott or Feeley. I did not realize McDermott was in Montreal at the time of that meeting. If he was there it was certainly unknown to me. The only persons who were inMontreal were Dave Humphrey and Hugh Locke and me, and Hugh was there for another matter altogether. We called on Mr. Gordon and made our representations to him. As I recall it, and it is quite a while ago and I say what I say subject to correction, when the problem was first discussed between me and

Dave Humphrey, about the decision of the railway to cut off this service, we deliberated between ourselves, whether we would proceed by a motion in Court or go directly to Mr. Gordon. It seems to me there was another case pending in Court on another premises altogether, completely unrelated to this, in Court, and as I recall it was dragging on quite a bit and we decided to get an appointment and go and see Mr. Gordon, and we did. We had a meeting with him. There was no disagreement; Mr. Gordon was extremely courteous to us. He took the position, as I recall the way he put it, that the railways depended so much on the good will of the police forces he could not refuse the request of the Toronto Police to cut off this service.

The position I made to him was that this club had a charter and that when it had that charter it was vested with certain rights in law and that until it had lost these rights by virtue of some conviction or some other procedure, that this was not the right way of going about getting a conviction of the club, and what the police should do instead is to seek to persuade the Minister of Justice to bring about an amendment to the Criminal Code to facilitate their investigation in these cases, if they were having difficulty doing so.

Mr. Gordon denied our request, and that was the end of our meeting.

If I remember rightly I met Dave Humphrey and Hugh Locke there by coming up from Ottawa. I think I was in Ottawa at the time and I went up to Montreal and met them there and, if I remember rightly, I came back to Ottawa. I did not travel from Toronto with him, or with them, nor did I go back with them.

Q. And those, I take it, are all the instances of any cases where McDermott or Feeley might have had any conceivable interest in any way which touched your practice?

A. That is right. I can't think of any -- I have had other cases involving gambling but I am sure they had no connection in any way with this.

THE COMMISSIONER: Mr. Hogg?

EXAMINED BY MR. HOGG:

Q. Your practice is largely that of a counsel, or barrister acting as counsel, or in a legal aid capacity?

A. That is right.

Q. You have been called in on a number of criminal cases as counsel?

A. Yes. Some of them prosecuted very successfully and capably by you, Mr. Hogg,

in the old days.

Q. It has been suggested here Messrs. McDermott and Feeley had a wide interest in, not only a number of gaming houses, but a number of bookmaking establishments. You told us you did not know McDermott and Feeley had any interest in the Tisdale Club at that time?

A. That is right.

Q. Did you receive anysubsequent knowledge that they had?

A. Well, of course,I do now, as a result --

Q. I meant, outside of any evidence given here?

A. I don't recall that there was any discussion about whether or not they were connected with the Tisdale Club at the time I was acting in the New Toronto cases. I do not know when it first came to my attention that they were connected with the Tisdale Club.

Q. So far as the New Toronto case, have you any information as to whether or not McDermott or Feeley were behind that operation? That was a bookmaking operation?

A. Keeping a g common gaming house. That was one of those things you assumed. They came to Court.

THE COMMISSIONER: Q. You say it was keeping a common gaming house?

A. Yes, that was the charge.

Are you talking of the case against Mr. Currier?

Q. I understood it was Fleschuk and Chapell?

A. Fleschuk and Chapell. May I just see what the charges are?

MR. HOGG: Q. That was the first case?

A. Yes. You are right, the charge against them was, first of all, that they did unlawfully engage in bookmaking; and there was a second charge of keeping a common gaming house. We are both right, both charges.

Q. It was, essentially, a bookmaking operation?

A. Yes.

Q. Then, the next one was Kenneth Currier.

THE COMMISSIONER: What is your question?

MR. HOGG: Q. Did Feeley or McDermott have an interest in it?

A. I never asked them about their interest. Its just one of those things I assumed. They were in court practically throughout the proceedings.

THE COMMISSIONER: Q. Did either ask you to act?

A. No. Dave Humphrey asked me to act.

MR. HOGG: Q. Did the same apply again for Kenneth Currier?

A. The same applies.

Q. Did Plesesiuk appear in that case at all?

A. Do you have a transcript before you?

Q. He seemed to be an employee or a stooge. Apparently he was called as a witness, Mr. Maloney, of McDermott's?

A. Well, he was the manager of the club that is now established McDermott and Feeley were connected with. He was not charged in that case. Just Currier was charged.

Q. Apparently from the transcript?

A. Yes.

Q. There apparently is a club called the Central Recreation Club, or there was a club. I understand they were convicted in 1960. Has this charter now been taken? Ben Levant appears as one of the directors in the period 1956 to 1960, the club being dissolved on the 28th of July, 1960. It appears that your firm acted as the solicitors for this club. The only thing I am interested in is whether or not McDermott had anything to do with this club?

A. I don't have any recollection of acting for the club at all. What year is it, Mr. Hogg?

Q. My information is 1960. Your firm had very little or nothing to do with it but just appeared at the time it was being closed up.

A. I had an appearance in opposition to a show cause hearing as to why the charter should not be cancelled in regard to a club. I presume that would be it. It was a hearing before Mr. Cudney.

Q. You were appearing as counsel?

A. Yes, I was retained as a lawyer to appear on the hearing. At least, if McDermott or Feeley had any interest in that club I have no knowledge of it.

May I have a glass of water?

Q. You mentioned something about --

THE COMMISSIONER: Just a moment.

Give Mr. Maloney a glass of water.

THE WITNESS: Thank you.

MR. HOGG: Q. You mentioned about Magistrate Thompson, that he was held in high regard by the profession?

A. I always thought so, and certainly he had the support of some of the most outstanding members of the profession when he was appointed.

Q. If he has alleged any events that occurred that you believe to be incorrect, have you any reason why he would?

A. I just can't believe Jim Maloney would have made that phone call. There has been so much extraordinary behaviour in this whole proceedings it makes you feel anybody might have made the phone calls. I just can't believe Jim Maloney would havedone it, that is all, knowing Jim Maloney as I do.

It is not like him.

Q. As far as you know Mr. Thompson just met your brother on one occasion?

A. That is the only time I knew they had met. If they met other times I didn't hear about it.

Q. Did you ever discuss this matter with Mr. Thompson?

A. No, never, and he never mentioned it to me, on two or three occasions I have seen him since the case.

Q. Do youknow Inspector Stringer at all?

A. I don't recall ever meeting Inspector Stringer. Might have, but I don't recall.

Q. Do you know whether your brother knew Inspector Stringer?

A. Yes. Inspector Stringer used to be stationed in Renfrew County, I think you will find, with the Provincial Police. And, of course, my brother did, you know, he did all the -- a great deal of the defence work in the county, in the Ottawa Valley, and he got on pretty good terms with all the Provincials who were there, right from the late Commissioner McNeill, right down.

Q. So far as the meeting with Donald Gordon wasconcerned, being in charge of the railway he would also be in charge of the

railway police, they would come underhis jurisdiction?

A. He assumed that.

Q. They are peace officers within the meaning of the Criminal Code?

A. Yes, I think the railway employs these people.

Q. Did he refer to any report he had his police force make on this club and the ticker tape?

A. Not that I recall. It is my impression, as I recall it back to my mind, he had never heard of the place before we went to see him.

Q. He had not caused any investigation to be made about this matter?

A. If he did I don't recall him telling us he did. He may have but I could not tell youthat.

Q. Did your brother ever discuss with you any associations he had with McDermott or Feeley?

A. Well, when the preliminary hearing took place in March of 1961 and it was brought to my attention that it was alleged that he had facilitated in some ways their dealings with his department I asked him about it and he denied it very emphatically. He said they had dealings with his department and they were accorded the same rights and

department would receive. And no special favours were shown to them or no special privileges accorded to them.

Q. That refers to the statement of June 19?

A. Yes, and that statement, I suppose, in due course will be filed with my lord. He dealt in that statement with the various accusations which were then being made in regard to him.

Q. It would be a matter of concern for your brother, and yourself?

A. Yes.

Q. And you helped him prepare this statement?

A. Yes, we conferred with each other as to what the allegations were. We worked together on drafting the statement and, then, he took it away with him and he redrafted it in his own way, and that was it.

What was the date of that again?

Q. I understand it was issued June the 19th and appeared in the Globe and Mail on the morning of June the 20th?

A. Yes, 1961.

THE COMMISSIONER: That has not been entered as an exhibit yet. It should be.

MR. WILSON: I have knowledge of it and I intended to file it.

THE WITNESS: I have an original

signed copy and I can supply it to you if you like.

MR. WILSON: Thank you.

MR. HOGG: Either after this or at this time did your brother Jim Maloney call the newspaper and ask to discuss some of these allegations?

A. Did Jim Maloney call the newspapers?

Q. Yes?

A. If he did I was not with him when he did.

Q. There was no arrangement made for you to go downwith him to a newspaper and they were willing to see you, but if so, they wanted their solicitors there also?

A. I certainly have no recollection of any such arrangement. Mr. Greer was with the Globe and Mail then. I do not recall approaching the newspapers or my brother approaching them in my presence.

Q. There were four accused in the Peterborough case and a guilty plea entered. Who was the old Renfrew - -

A. I don't remember, and, again, I am not even certain, as I explained when I answered the question. I think it was Horton or Harrington.

C/A

Q. That would be Neil Harrington?

A. I don't remember his first name.

THE COMMISSIONER: Is that all?

MR. HOGG: That is all.

THE COMMISSIONER: You are Mr. Shime?

MR. SHIME: Yes.

EXAMINED BY MR. SHIME:

Q. Do you know what happened subsequently to the ticker tape in the Jordan Club?

A. No, I never heard anything more about it after our trip to Montreal. I never heard anymore of the outcome of the thing at all.

Q. You do not know whether it was taken out or whether it still remained?

A. I couldn't tell you that.

Q. Thank you.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: I have no questions.

THECOMMISSIONER: Mr. Wilson?

MR. WILSON: I have no further questions, my lord.

---The witness withdrews.

MR. WILSON: I will call Inspector Hatch.

THE COMMISSIONER: Well, Ithink we will

take ten minutes.

---Short recess.

(Page 3945 follows)

D/1/O'N

---Upon resuming.

JOHN HORACE HATCH, sworn

EXAMINED BY MR. WILSON:

Q. You are an inspector of the Ontario Provincial Police?

A. Yes, sir.

Q. When did you join the Force?

A. April 4th, 1938.

Q. And in what branches have you served since that time and at what rank?

A. I first commenced my duties as a motorcycle officer on Highway patrol for the area stationed in Marmora, Ontario. I worked there until 1940, and June 1st I was transferred to Belleville, where I took up traffic and criminal duties.

THE COMMISSIONER: Q. What year?

A. 1940. In 1942 I was transferred to the City of Kingston and worked out of the detachment there, where I combined highway traffic and criminal duties for a month, when I returned to Belleville headquarters. That would be in 1943, September, I believe. I stayed in Belleville from September until the following May 1st, in 1944, and went to detachment, one main detachment in the Town of Madoc, Ontario, where I remained until the year 1955. June 1st -- I am sorry, in 1950.

While in Radoc I was promoted to the rank of Corporal.

June 1st, 1955, I was promoted to the rank of Sergeant and sent to the Essex detachment in the Windsor area. I worked in the Essex detachment from June 1st, 1955 until November 1st, 1961, when I was promoted to Inspector and transferred to general headquarters.

Q. December, 1961?

A. November, 1961, sir. Actually, my promotion was as of September 1st, but I took up duties as of November 1st.

MR. WILSON: Q. Now, sincethat date you have been the head of the anti-gambling branch or squad?

A. Yes, sir.

Q. Now, when you were in or with the Essex detachment, did you have anything to do with the policing of gambling establishments in that area?

A. Not immediately on my appointment to the Essex detachment, I did not.

Q. But after some period of time you did, I take it?

A. I did, yes sir.

Q. Was that as a member of the Essex detachment that you had anything to do with the surveillance and raiding of gambling establishments in that area?

A. I might explain that I was the Sergeant in charge of the Essex detachment which had control of all the personnel in the County of Essex, which included approximately 60 men at that time -- approximately 40 to 45 men were the complement of the Essex detachment, and it was my responsibility, as I was in command of that detachment, to have the control and care of and enforcement of all the laws pertaining to our detachment for the County of Essex. And I answered to the district inspector at Chatham.

Q. During what period did you then have that responsibility?

A. From the 1st of June, 1955, until the 1st of November, 1961.

Q. Do you know Assistant Inspector Stringer who has given evidence here?

A. Yes sir, I do.

Q. Did you ever have any discussion with him relating to any possible transfer to some -- that is, your transfer, to some other district?

A. Directly with him, there is two occasions. When I was stationed in Madoc and held the rank of Corporal, the Sergeant that was stationed at the Peterborough detachment headquarters, had been boarding me. He was stationed in Bancroft and he told me of the fine qualities of working for Inspector Stringer,

and told me if I would ask Inspector Stringer, that he could arrange for me to be transferred from Wadee into this district, which was No.8. I told him that I wouldn't ask Inspector Stringer to transfer me there, but if Inspector Stringer wanted me I was quite willing to go and work for him. That would be approximately in the years -- I would say around 1953.

Q. 1953. And your rank at that time?

A. Was a Corporal.

Q. Was there any further development in that regard?

A. There was no further development following that until in the year 1957, and I would judge that it was in the month of, the latter part of July or the early part of August, I received a telephone call from Inspector Stringer.

Q. What was your rank by 1957?

A. I was a Sergeant.

Q. Just tell us what happened as far as any possible transfer in 1957?

A. I received this telephone call at my residence from Inspector Stringer, and he was asking me how I was getting along and how district Inspector Rambottom was. I said, 'Fine'. He said, 'I hear he has an opportunity to go to Perth district headquarters, as Inspector Cousins, who was then the present

district inspector was about to retire.'. And he said that he could have the job - he could have the district inspector's job at Perth but he wouldn't take it under the prevailing conditions that Ottawa was a part of No.11 district, and Brockville was part of the Perth.

On the map it would show it ran, we will say figuratively speaking, that Ottawa and Cornwall would be north and south and Brockville and Perth would be north and south, and that if he took it over that he would want it divided the opposite way, which would be east and west, so that Ottawa would be part of the Perth district and Brockville would be - the lower part - would be part of the Cornwall district.

And at that time I said that if Inspector Ramsbottom had an opportunity to go to Perth, he would be foolish to turn it down and I would certainly welcome going to Perth to work for him. He said: "I have something I would like to discuss with you. When can I see you? When are you coming to Toronto?' I said I had no idea. I was so busy, I thought that in the very near future there would be an exchange of cars. When a car reached its usefulness, it would be turned in at headquarters here and another car would be taken back, and that I would let him know.

I would say that following that conversation, within a matter of less than a week, the opportunity arose. I didn't discuss the telephone call with my district inspector, and I asked him if it would be okay for me to proceed to Toronto with this car, and he gave me permission and I proceeded to Toronto. Previous to proceeding, I phoned Inspector Stringer and he arranged for me to meet -- D/2 for me to meet him at the St.Regis Hotel. I believe it is on Sherbourne Street. And I believe the meeting time was approximately around twelve o'clock noon. We would be on standard time in Essex and he would be on fast time, but it was arranged it would be around that time.

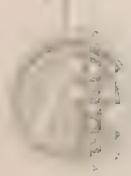
THE COMMISSIONER: Q. What date was that?

A. I believe it would be approximately around about the 7th or so of August.

MR. WILSON: Q. Of 1957?

A. Of 1957. I proceeded to Toronto and I believe I made the exchange of the car and left the garage and proceeded to the St.Regis Hotel for the appointment.

I met Inspector Stringer there and he had another officer with him who was also, I believe, at the time, was in plainclothes, and he mentioned the officer's name. I have



tried to recall the name but I believe it was Crostwell. I am not certain, but there is an officer by that name and it could have been him.

Following that meeting, outside in the parking lot, we proceeded into the hotel and the officer left to go somewhere - where, I do not know. We went into the bar in the hotel and sat on the stool and I had a drink and so did he and business was discussed in how busy we were and what we were doing.

He asked me if I would like to go and work for him. I said, "Well, what advantage would there to me making a change?" and he said that I would have more time for relaxation and fishing and hunting, of which I am very well an ardent fisherman and hunter, and it would be a lot easier and I wouldn't be as busy as I was in the Essex detachment.

And then the conversation broke into gambling and he said that he understood I was doing a good job down in Essex with regard to a gambling joint that was operating there, and wanted to know how I was getting along. And I said we were just plugging along. And he said he had a problem, too, in Peterborough. He said that at Chemong Lake they had a boat, and I took it from the description of it, that it was a large cabin cruiser that was operating in the lake in the evenings after

dark and they were operating a gambling establishment aboard this boat and that his men had spent -- accumulated over a thousand hours of investigation of this alleged gambling enterprise and they hadn't come up with anything at the present time. And he said, well -- so then it went back to me coming to Peterborough and he said, "Well, it wouldn't take very much", that he had -- I don't think the word was "influence" but he had - he was in pretty fair favour with the Commissioner at the time, which was M. MacNeil, and that there wouldn't be much problem. And I said, "Well, I would like to think it all over". And I left and returned back to my Essex detachment and I must admit that I felt highly elated that I was asked by somebody for my services to work.

I felt good about that. I went back to Essex and I would say that within ten days I received another telephone call from Inspector Stringer, asking me if I had made up my mind, and I said: "No," I hadn't.

And he said, that he had been in touch with the Commissioner and it was all set. The only requirement was that I had to submit a L.A.39, requesting that I be transferred from the Essex detachment. And I asked him what assurance I had, by suggesting a transfer, that I would have of going to his district, and

he said it was all pre-arranged. I said, "Well, I just have to give it a little more thought" which I did, and he called me again, I would say it would be another week after that and I said, "I haven't discussed it with my wife", at this particular time, but I would take the matter up with my wife and discuss it and see what she thought of it. And that was the end of that conversation.

The next time was a personal visit. I had been working quite strenuously and I asked my district inspector for permission to go to Pelee Island to attend the pheasant hunting, and he certainly agreed that I should go, which I did. I flew over to the Island and on the first day of the hunt, when I came in for supper, I was informed that I had to call back to the office, which I did. And I was informed that there was a staff inspector at Chatham or at Essex, I just can't recall, who was quite anxious to see me and that I must return at once. I said I would leave first thing in the morning when it was daylight, and fly back and I would be in my office at ten o'clock.

The following morning, when I got up, we went down to the plane and it was quite foggy and we took off in the plane and they had difficulty after we got a couple of hundre feet in the air and had to go back to the Island,

so it was around ten o'clock in the morning before I left. I finally flew back to the mainland and went into the house and changed my old clothes for the uniform and went back to the office and awaited the arrival of the staff inspector and district inspector, because they had a problem they wanted some answers for. Not pertaining to anything we are discussing here, although it was indirect.

Following the discussion I had with the staff inspector and the district inspector, I continued on in my normal course of duties until approximately 5:30 that evening, when I returned to my residence. And on returning to my residence my wife informed me that an Inspector Stringer had been calling me the day previous, and that I was ---

Q. Can we fix the date of this, approximately?

A. I would say approximately October 29th or 30th.

Q. 1957?

A. 1957.

Q. Yes?

A. And that he had phoned me many times and that he was staying in the Maple Leaf Motel - motel - located just in Sandwich. It would be in Sandwich South, I believe, on the old No.2 highway, which is Howard Avenue, and had left the telephone number.

I think I waited until after I had had my supper. It was dark. I remember it was dark and I called the number and I was talking to Inspector Stringer and he asked me where I had been and I told him I had been hunting pheasant. He wanted me to bring my wife to the motel to see him. I told him my wife wasn't feeling very well and that she wouldn't want to go out, so that I would go there alone.

I proceeded to the motel, which was room, I believe it was, room No.1, the first unit past the main entrance, and I looked for the car. I didn't recognize the car from Peterborough and I went in and he was there and I said, "Are you driving a station wagon?" and he said he was.

There was a lady in the room and when I went in, she appeared to be taking her clothes off and she went into a washroom, toilet, and he and I sat -- there was two beds and a chair, and I sat on the chair and he sat ---

Q. Were you introduced to this lady?

A. I can't ever recall ever being introduced to her. I think when I went in she nodded her head to me, but I can't recall. I believe I met Mrs. Stringer some years ago, but I just can't recall meeting the woman, that I would know. I have every reason to

B/3

believe it was Mrs. Stringer. I have no doubt in my mind it was her.

Q. I don't want to leave any wrong impressions.

A. No. I never talked to the woman, I don't believe. I don't know, but ---

THE COMMISSIONER: Q. There was a woman there, who you assumed was Mrs. Stringer?

A. Was Mrs. Gardiner - was Mrs. Stringer.

MR. WILSON: Q. Yes?

A. She went into the washroom and he produced a bottle and asked me if I would like a drink and I asked him what he had to mix with it. I am an unusual drinker in that I use a certain soft drink, and he didn't have it and he obtained it and I had a drink with him.

THE COMMISSIONER: Q. We don't need to go into all the details.

A. And the discussion arose then about me going to Peterborough. He said that he had met, Commissioner Stringer, before he came down.

Q. He met who?

A. Commissioner McNeil.

THE COMMISSIONER: McNeil.

MR. WILSON: Q. Yes.

A. Yes, and that all arrangements had been made the previous weekend with McNeil,

that I would submit the L.A.39 and that would be all that would be required and I would be transferred to his district. So I said to him, "With all these arrangements made, what becomes of me?" and he said, "What do you mean?" and I said, "Well, what am I going to do when I get to Peterborough?". And he suggested a traffic sergeant's job and I said, well, I didn't think I was -- being in control where I was with 60 men and go down and be a traffic sergeant. I was going backwards. So he said, "Well, I will give you Cobourg, Brighton and Campbellford and you can be in control of those three". I said, "Well, what --- "

THE COMMISSIONER: Just a moment.

Q. In control of what?

A. Cobourg, Brighton and Campbellford detachment. They were three detachments in the southern part of No.8 district. Well, he said that I would have the control over the men inthose areas and I thought -- I expressed my opinion I thought I would be going backwards if I was to go down and leave a detachment of 60 men and go and take over two or three small detachments of not any more than, I don't think, any more than 15 men in the largest detachment, which I believe is Cobourg. I would say Brighton maybe had ten men and possibly Campbellford had maybe

two or three. So following this, discussion then again broke out into the work I had been doing with the gamblers down in my area. And I told him that we were having a pretty tough job. We weren't getting anywhere and that things were really in tough shape, as far as we were concerned, and that the gamblers knew more than we knew and we were well aware of what was going on and it was a pretty tough proposition.

I would say all this took approximately an hou and a half and then the lady came out of the washroom.

MR. WILSON: Q. Well, who started up this conversation about gambling operations in your area?

A. Stringer.

Q. Stringer did. And then you say after an hour and a half's time the lady came out?

A. She went to bed and I excused myself and left. I never spoke to her.

Q. Did he indicate to you in what way you would be bettering yourself by taking over this post in district No.8?

A. Yes, I would have more free time and I would be able to go hunting and fishing.

Q. Was that the last approach he made or discussion you had with him about a transfer?

A. That was the last. No, I am sorry. It wasn't the last. I left that meeting and when I left he said, "Well, you better let me know what you are going to do" and I said, "Sure, I will let you know". And I believe, if I am not mistaken, that if it was on a Thursday, whatever the date would be, on that Thursday, and I am almost positive it would be the 30th of October in 1957, the following Wednesday night was the night I was to phone him. And I phoned him that night and told him that as far as I was concerned, I had given the matter every thought and that I could see no reason for making a change at this time and I wanted no part of it.

Q. Now, at a later date did you, for some reason, investigate the records of this Maple Leaf Motel during the period that you say you met with Inspector Stringer?

A. I did.

Q. To see what the registration was?

A. I did.

Q. What was the result of that investigation?

A. I couldn't find a registration at all.

Q. And I take it, the car he was driving on that occasion was not a police car?

A. No, it was a station wagon.

Q. And then after you told him of your decision, did you have any further communication with him in regard to the matter?

A. No, sir.

Q. Now, I have asked you to produce a summary of the surveillances and raids that were made on the premises that has been described in evidence here as the Old Castle Country Club originally, and subsequently known as Border Cities Press Club, and Army, Navy and Airforce Veterans Canada Unit 237, and finally as Roseland Veterans Association?

A. Yes, sir.

Q. And the one produced to you, I see, is from the files of the department, or from the files of the force, and is dated August 9th, 1961. The first entry is July 5th, 1954.

THE COMMISSIONER: Have you a copy of that?

THE WITNESS: I don't think this is my report.

MR. WILSON: Q. It is not your report, but I believe it is a summary that you have examined?

A. Yes, sir.

Q. As a matter of fact, it is Anderson's, Sergeant Anderson's report?

A. Yes, sir.

D/A

MR. WILSON: This will be Exhibit No.133?

THE REGISTRAR: 134.

---EXHIBIT NO. 134: Summary of surveillances and raids on Roseland Veterans Association, dated 9th August, 1961.

MR. WILSON: Q. The first entry is July 5th, 1954, and the last entry appears to be November 13, 1957?

A. Yes, sir.

Q. Now, this period covered by this summary, I am simply introducing it for convenience, from July 1954 to November 13th, 1957, that was during the period that you were in charge., You were the sergeant in charge of the Essex detachment?

A. Not in 1954.

Q. I am sorry, you didn't become sergeant until June, 1959?

A. That is right, sir.

Q. Now, during this period were these surveillances and these raids -- was the work carried out by the local detachment or the local detachment in co-operation with the anti-gambling squad?

A. Up until April 1st, 1957, the actual raiding parties were conducted by the anti-gambling branch with observations kept by members of the Ontario Provincial Police Force

at the Essex detachment.

Q. Up To April of 1957?

A. Yes, sir.

Q. Yes.

A. Following April, the end of March, instructions were received by the district inspector from the Commissioner, McNeil, at that time, in which a meeting had been held by district Inspector Hand of the Toronto detachment, Marsland of the Niagara Falls headquarters, and district Inspector Ramsbottom of the Chatham headquarters. I believe Sergeant Anderson attended the meeting. I am not sure who else would be there. And as a result of this meeting it was -- a decision was reached and instructions were received eventually by the district Inspector Ramsbottom that in the future that the investigation of the gambling club in the Essex detachment would be undertaken by the personnel of the Essex detachment.

Q. Well now, briefly, from the time of your appointment, down until this period of April, 1957, when the new policy was decided upon, what was your experience with relation to these particular premises?

A. Well, on two occasions -- the first occasion that I recall would be in the month of June of 1955. I was boarding at the time and both sergeants, the sergeant that I

was relieving was promoted to a staff sergeant. He was still stationed in Essex and I was there also, and I went to a show in Windsor on the evening of this occurrence, and on my return to the detachment office at approximately eleven o'clock, there was a large group of men in the office and I was informed that a raid had been conducted on the Army, Navy and Airforce Club.

THE COMMISSIONER: Q. By whom?

A. By the anti-gambling branch from Toronto and members of our Force at the Essex detachment. And that was the only information that I received.

MR. WILSON: Q. Well, all I want, very briefly, if we can, from June 1955 to April 1957, what part did you personally have in any action taken by the police in respect of these premises?

A. Other than the fact that one man was instructed to keep observation and count the cars and check to see if they were in operation, and he would submit a report covering these details and they would be forwarded directly to our inspector, who would, in turn, forward them to Toronto.

(Page 3965 follows)

E/1/AD

Q. What was the reason for the change in policy in April of 1957?

A. I couldn't tell you; I wasn't in on that.

Q. You weren't in on the discussion?

A. No, no, sir.

Q. Now, following the change in policy in April of 1957, Inspector Hatch, what action did you take in respect of these particular premises?

A. I took over the investigation in a personal way and assigned two men to keep strict observations on each and every day from the time that the operators and the hired help would go into the club until the club closed, and we would keep track of every car and every person that went into the premises and then I would get the sheets and I would go over them and I would check on the licence numbers and find out and try to check on individuals, who they were, and try to pick up what information I could on how the game was being operated and by whom.

Q. Now, during the course of this - during the carrying out of this type of action, what procedure did you adopt in regards to reports to headquarters?

A. I reported each week the progress that we made or, if there was no progress, just what action was taken at the club.

Q. Was the procedure in regard - - -

THE COMMISSIONER: Headquarters in Toronto?

A. No, I made the report out and sealed it - it was of a confidential nature - and it was sent to my District Inspector, and he would then receive it, and I can only presume what he did with it. He took a copy out and made some notation on it and would forward it to the Commissioner.

MR. WILSON: Was this method of putting your report in a sealed envelope a customary practice?

A. Anything of a confidential nature that I just wanted the District Inspector to see I would do it that way. If it was ordinary mail other members possibly could open the mail and sort it out.

Q. Did you deal with other - your other reports in that fashion?

A. General reports?

Q. Well, any other reports?

A. General reports would be placed - - -

Q. No, I am asking about any other reports. All I want to know is was this some special treatment?

A. Yes.

Q. Why?

A. Well, I guess I'd have to say I was suspicious of a lot of people in the area

that I was connected with.

Q. Well, that covers a lot - - -

A. I am referring specifically to the fact that I was new there. I didn't know the men that actually - it may sound unreasonable, but the men had been stationed there for a number of years and their investigation, I learned, with this club had been in operation for a considerable length of time, and the general trend after I arrived there and found out from reading newspapers and so on was that there was a regular campaign in the newspapers that implied that somebody was being paid off. I presumed that they referred to the Essex Detachment, but they had many many pages and many many lines in the papers referring to the operation of this club. There was a man by the name of Norm Hall - - - -

THE COMMISSIONER: Well, just a moment. That is sufficient, isn't it?

MR. WILSON: Yes, I think so.

THE COMMISSIONER: You changed the policy because, up to that time, nobody was getting any results and there was criticism of the Department and suggestion of pay-offs and so on?

A. Yes.

Q. And you decided youwould take charge of this thing and you would handle it

that way?

A. That is right.

MR. WILSON: Then, as a result of the tactics that you adopted, what was the result?

A. The ultimate result?

Q. Yes, the ultimate result. I think you have told us generally what you did during this period.

A. Yes.

Q. Now, let us know what happened.

A. As I progressed along, I came to know the proprietor, you might say, or the gentleman - I wouldn't even call him "gentleman" - the man in charge of the gamblingjoint, which was Curly Gardner and Leo Finnigan, and he had collected around him numerous well-known characters with long police records for guards, and continuing on with what I had found by reading about this place, I had pinpointed two of the inmates in there that they were not gamblers, that they were connected to the gambling enterprise at that time, and in between my investigation there was a further investigation by the Fire Marshal's Department to try and remove the bars and the big doors from the premises.

Q. What period are we talking about now? If you need any of your records to confirm your dates, I think you might look at them.

A. Yes. (The witness left the witness box to obtain diaries)

In just thinking this over, you asked me a short while ago about what action I had taken.

Q. Yes.

A. In 1956 I accompanied Sergeant Anderson and R.J.Wright and other members of our Force on a raid in the club. I accompanied them there. That was in 1956.

Q. 1956?

A. Yes.

Q. Well, maybe we can get it during the adjournment - you can get the exact date then, but was it after the change in policy that the Fire Marshall was called in, or before?

A. I don't quite understand the "change of policy"?

Q. Well, April of 1957 is when you said there was a change of policy and you took over the policing of this particular premises?

A. Yes.

Q. Now, what I am asking you is this: was the Fire Marshal called in before or after that date?

A. It was after that date.

Q. After that date?

A. Yes.

Q. You can get us the date?

A. If I am not mistaken, I believe it was in the month of June or July.

Q. Now, I believe you told us what steps you took - continual surveillance?

A. Yes.

Q. And you got to know who the alleged operatess were?

A. That is right.

Q. And did you ever hear from these operators at anytime prior to the raid that resulted in the prosecution?

A. Well, on one occasion in early 1957 - we moved into our new office in May, and I would say that it was possibly in the month of April - I was approached by a person who came to my office whom I had known, I would say - I knew him as a friend, but I knew him only slightly, as I hadn't been there very long, and I knew him because his boss was a personal friend of mine, and his boss had told him to look me up when I was down there and he came into my office in the old Detachment office, and when he came in he wanted to know if my office was wired, and I asked him why and he said, 'Well, he had something he wanted to discuss with me.' and would I please go out and get in his car and go with him for a ride. I told him it wasn't necessary and I convinced him that

E/2

he had nothing to fear about anything that he had to tell me, with the result that he said he had been approached - that he was the only one that knew me and the only logical person to approach me, and that he was to approach me and offer me five-hundred bills a month, and I asked him what the $500. a month was going to be for, and he said that all I had to do was to let them know when a raid was about to take place.

I told him that I was quite interested in the $500. a month, but I didn't like dealing with in-betweeners and if they saw fit to send the man up that was going to pay the money I would certainly have a discussion with him over the matter.

Following that I was in Toronto and I brought it to the attention of the Commissioner, and Mr. Phelps was there, and they cautioned me not to get involved because I might be wrongly accused, so it was never pursued any further.

Q. Now, can you fix the approximate time of that meeting?

A. I would say it was during the month of April , 1957.

Q. Was this before or after the change of policy?

A. This was just after the change.

Q. Just after the change of policy?

A. Yes.

Q. Who was this man who came to you?

A. Leslie Trumble.

Q. Leslie Trumble?

A. Yes.

Q. T-r-u-m-b-l-e?

A. Yes, T-r-u-m-b-l-e.

Q. Is he still around Windsor?

A. Yes, sir.

THE COMMISSIONER: What is his business?

A. He is in real estate at this date.

Q. At that time what was his occupation?

A. He was a salesman for Adams Distilleries.

MR.WILSON: Then, did you hear anything further from him or have any further communication with him after this one meeting?

A. No, sir, not in that regard.

Q. He never approached you again?

A. No, sir, he didn't.

Q. Or did he ever mention it to you again?

A. No, he didn't.

Q. Now, apart from Trumble, did you have any furthercontacts or meetings with any of the persons who were principals or who purported to act for the principals of this particular operation?

A. There did occur - possibly I should tell you this so that the sequence will run

There did occur a murder in Pontiac, Michigan, in which a patron of the club was found murdered in a gravel pit outside the City of Pontiac, Michigan.

Q. That was Earl Atwood?

A. That was Earl Atwood.

Q. Yes.

A. And as a result of the investigation by the members of the police force concerned, it led them back to the Roseland gambling club and they came to contact me for assistance on this side of the border, and as a result I worked in conjunction with them, and on the first meeting I told them to go and see Mr Gardner for any information they wanted, and they didn't get too far.

Q. Was that Mr. J.P.Gardner, or "Curly" Gardner, as he has been known?

A. Curly Gardner.

Q. Yes.

A. And as a result I made an investigation in our - on our side of the border to determine if this man Atwood had ever attended at the club, and it was ascertained that he did attend at the club and that he was there with his brother and we were able to - - - -

Q. When? When was he there with his brother?

A. I believe that we were able to pinpoint him there on August 27th, and he was

found murdered, I believe, on August 30th, 1957.

Q. Yes.

A. And as a result, why, Mr. Gardner denied that the man had been there at first and then he remembered that he had been there and that he was just - he had nothing to do with the club whatsoever. He just wouldn't give too much information.

Following this it then came out into the newspapers that this man Atwood had been a patron at theclub and there were several rumours as to the reason for his death and with this, Gardner then contacted me - - - -

THE COMMISSIONER: Just a moment.

THE WITNESS: No, I am in error there - Icontacted him.

THE COMMISSIONER: Just hold everything for a moment. Yes.

THE WITNESS: I saw Gardner in the club, I didn't execute a warrant that night - I went in and told him I wanted to discuss this murder business with him - and as a result, why, he was now going to cooperate with me, and it turned out that he was - - -

MR. WILSON: You are now about to refer to your official police diary?

A. Yes.

Q. For 1957?

A. 1957.

Q. Yes.

A. On Saturday, September 7th, I note ---

THE COMMISSIONER: 1957?

A. 1957 - I note:

"To Walker Road Club, questioned
E.
"Frank Gardner re Earle Atwood
"being at club August 27/57.
"Mr. Gardner reluctant to divulge
"information but will attempt to
"check same and advise."

MR. WILSON: Yes.

A. So that he informed me that he would comeup with some information because, as he put it, it was a blot on theclub and he didn't want that.

Q. Yes.

A. The next day I have another notation:

"Mr. Frank Gardner phoned and
"requested to contact him at 3 p.m.
"as he had information on Earl Atwood."

According to my diary - I believe at this present time I can tell you what occured there. I called Frank Gardner to make the appointment and he didn't want to speak to me because it had come out in the newspapers - the next Monday it was in the newspapers. Yes, I have got it here:

"Mr. Frank Gardner phoned and stated
"he had no information."

That was between 8:00 a.m. and 11:00 a.m. on

September 9th, 1937.

Q. Yes.

A. He was quite hostile. Then, following that, Gardner had Leo Finnigan phone me to phone Gardner to make an appointment to see him as Gardner had now had a change of heart and, as Leo said, "He wants to see you. He wants to get some of the heat off." So with that, I did and I proceeded to the residence of Frank Gardner at his request, as he had information re Atwood's murder:

"He advised he was making contacts
"to obtain this information and
"was flying to Kentucky Wednesday
"and would advise when he returned."

MR. WILSON: You are reading from your diary on what date?

A. That was on September 10th.

Q. Yes.

A. Of 1937.

Q. Just go on.

A. The next day, which would be September 11th, Frank Gardner contacted me, and he wanted to meet me and when I was in his home I had the feeling that I was - that my conversation was being taped, so when we had to make the appointment for the next meeting, I wasn't just too sure of whether we could do this, but I thought that I had

better do it where somebody could see me, so when he asked where we would make the appointment, I said, "We will meet at the Fishermen's Cove," which is a cocktail lounge in the Prince Edward Hotel, on the main street, in the City of Windsor, and my diary notes from 9:30 to 1:30 a.m.:

"To Windsor re meet Frank Curly Gardner
"at Prince Edward Hotel re alleged
"information on murder of Earl Atwood.
"Information turned over to Deputy
"Sheriff Hazen in Oakland County,
"Michigan."

Q. What date is that?

A. September 11th, 1957.

Q. Yes.

A. Now, in this particular meeting - -

THE COMMISSIONER: You met him at the bar in the Fishermen's Cove?

A. Yes.

Q. Yes.

A. While at this particular meeting we had a drink and this opening conversation started off with why did I have a personal animosity towards him, that he thought that I was a pretty nice fellow and that I just should not take such a personal interest in him, and so in the course of the conversation I explained to him that I was a policeman, that I was doing my duty and that, regardless of what his

health meant to him, as long as he kept the operation that he was in, it was my duty to stop him.

Now, a peculiar thing happened at this precise time. A man came into the Cove who also had a woman with him, and the man looked over and saw Frank Gardner and said, "Hello, Curly, you old son-of-a-gun", and Curly got up and the fellow said, "Are youstill running that joint out there? Geo, I've got to come out," and Curly leaned over and said - and I could hear him - "This is a cop", and the fellow turned to me and said, "I know you, you are a policeman," and I said, "Pleased to meet you," and the fellow beat it.

Then he went on to explain to me that his type of operation was only a small type of operation, that I should go with me him to Kentucky on a weekend, all expenses paid, to go and see a real gambling joint that they had down there. Really big.

Q. That somebody else had?

A. Yes, in Kentucky - in the State of Kentucky.

MR.WILSON: Did he tell you how big his operation was?

A. He tried to tell me his operation was just a small-time operation.

Q. Yes.

A. And actually that I didn't -- he

is telling me I don't know what a big operation is, that as far as he wasconcerned this operation they had down in Kentucky was quite an operation and we could fly down on a Saturday, we could be home for Sunday, nobody would know where we had been, and it wouldn't cost me a nickle.

Then another peculiar thing happened. The waiter at the barcame out with a 30 lbs ham, all in a nice package, and he came over to Frank Gardner and said, "Just take a look at that," and Gardner said, "Boy, there's a dainty, isn't it? Where did you get it?" He said, "My brother works for a packing firm," and Curly said, "How much is it?" and hesaid, I believe, "I got it for 37 cents a pound", and Curly said, "I'll take that", and hesaid, "you have that and I'll get another one for myself", and I said, "No thanks, we don't eat pork in myfamily," and it seemed to pass off from there, and so the waiter went back into the back part of the counter where they have their little room. Anyway, during this conversation that lasted a considerable time, he asked me if there was anything that he could do for me, that he had a lot of - - -

THE COMMISSIONER: It is after one o'clock. Ithink we will adjourn now.

---Whereupon the Court adjourned at 1:07 p.m.

(Page 3985 follows)

AA/1/FF

---On resuming at 2:20 p.m.

JOHN HORACE HATCH, recalled

EXAMINATION BY MR. WILSON (Cont'd):

Q. Now, at the adjournment you were mentioning some of the things that Gardner had told you at this meeting you had, I think it was, on 11th of September, 1957?

A. Yes, sir.

Q. I don't think you were quite finished?

A. No, sir.

Q. Then will you just go on.

A. During the time that we sat there, and he had mentioned about his small operation and he told me that his health was bad and that my persistance in my investigation against his club was ruining his health and I was going to be responsible for his death.

As the meeting progressed with this conversation, he said that he admired me and that he would like to be my friend, and would it be permissible for him to call me Jack, and I told him that it was all right, he could call me anything that he so desired.

Following that he told me that he could do a lot for me; that he had a daughter that worked in - incidentally the discussion of wives came into the question and he wanted to

know all about my family life and my wife, and I told him that my wife had been ill for the last four or five years and that required considerable attention from doctors and medication. So that he decided that his daughter - and I believe her name is Mary - worked in a drug factory and he would be quite able to get me the necessary drugs or pills or medication required for my wife at practically no cost to me whatsoever.

Then he went on, asked me what my hobbies were, and again I reiterated that I was an ardent fisherman and hunter, and he said that he had a former member of the O.P.P. who was a high-ranking official, that had a lodge in Algonquin Park, and that he could arrange for me to spend considerable time there as their guest at this park, Algonquin Park.

Q. Did he tell you who this person was?

A. No, he did not.

THE COMMISSIONER: Former member of the O.P.P.?

A. Yes, and he asked me how I liked living in the Windsor area. I told him that I did not like living inthe Windsor area, but that I liked doing the work that was to be found in the Windsor area. He said that he had a lot of connections at the top and influential friends that could arrange, if

I so desired, to be placed anywhere in the Province of Ontario, on the Force, any place I wanted to go, and that he could assist me in any promotions that I may have in the future.

Q. I suppose you took all that with a grain of salt?

A. I sure didn't believe him, and I might add that all this conversation, it would be more or less like a checker game - he was trying to out-guess me and I was trying to out-think him and was looking for information, and he would automatically slide by and forget that he was there to do a job.

He would tell me about the operation of his club and that it was a small game and that they did not make a great deal of money, and that we were putting him to a lot of expense.

I mentioned the fact that the men that he had gathered around him were thugs, and he did not think I should use the term "thugs" as he said that some people had records but he was giving them a job and he was keeping them out of mischief. I mentioned one of the head guards that he had on the outside that was alleged to be his strong-arm man, who was Ernest Amato, who had a very lengthy criminal record. He said that Ernie was his boy and that he was looking after Ernie, and Ernie would not be getting in any trouble as

long as he had control of him.

Q. Where is Ernie Amato now?

A. He is serving fourteen years in Kingston Penitentiary on a narcotics charge.

The conversation continued along those lines, in which he was trying to soft se up to get on the stage where we would be on an even keel, and we xxx did not entirely reach that stage, when the time came for to leave the bar.

So we had to leave and as we got up he decided that we should go to some quiet little spot and have a lunch, and so his car was parked on the lot and I believe at that time he was driving - I am pretty sure it was a Lincoln. So I decided that possibly I would go with him and maybe further information would be forthcoming.

We ended up at the "little quiet place" which was the largest night club and motel , I believe, called the"Elmwood" in which they a large, spacious dining room and high-class talent on the stage. They also have at the back part an elevated dining portion and they serve beverages there.

Ernie, he knew - Curly, he knew the waiters, and he knew the headwaiter, and it was not very long before we had a table, and we sat down in the front. He made motions to certain people that he knew them, and it

appeared from my observations that he was trying to show the people that he was associating with a member of the Force.

While we were there he again got on the conversation that I should be his special friend, and that he could do so much for me, and eventually I would say that within a short time after that, after consuming a sandwich, we left.

Following leaving this meeting, I knew that in a future date I would be accused of improper conduct, so I immediately got in the car, heard that there had been a holdup in Sandwich West Township and that our cars were proceeding there as there had been some shooting. I went directly to the scene, observed a corporal of our Force and several newspaper reporters, and made myself acquainted, so that they could know that I was there and that there had been a holdup and at a future date they could describe my condition if so desired.

Q. Have you told us the substance of your discussion on that occasion?

A. I believe I covered most of the details. If I can check and see if I forgot something. On checking my notes, that I made after - this report was made immediately after the notes - that he said that the man that owned the lodge was a good friend

of mine, and that he was a former member of the Ontario Provincial Police Force.

Incidentally, the meeting that was originally made for the purpose of him to give me the information of the reason or the names of persons, as to why Atwood had been murdered, and he gave me information at that time which was already in the knowledge of the members of the Force in Pontiac, Michigan.

Q. Was the murder of Atwood ever solved?

A. No, sir.

THE COMMISSIONER: Well, one thing about that. They had learned that Atwood had been at the club.

A. On the 27th.

Q. August 27th, and the body was found on August 30th. Where is his home?

A. His home was in ---

Q. It was in Michigan some place?

A. It is in Michigan.

Q. Did he ever arrive home from the club? He left the club on August 27th and his body was found three days later.

A. He had been seen alive, I believe, the 27th.

Q. That was the date he was at the club.

A. That is right, but he was ---

Q. He left the club, and was he seen

alive thereafter to your knowledge?

A. I believe to my knowledge - I have to think about this - I would say from the best of my recollection that I have at this time, that he was not, but there was an instant of where he may have been that I believe there was some connection at that time, that there was a registration of that name in a cheap hotel in downtown Detroit, if my memory serves me correctly. That information came from the police department.

Q. He never got home?

A. No, sir.

THE COMMISSIONER: All right.

MR. WILSON: Q. After that meeting on the 11th, what action did you next take against the Roseland Club?

A. On the 11th. On many occasions while on this investigation, Gardner would be able to let out information to me in a, as I took it, in a slanderous way in which he would be able to say things that had already transpired unknown to, by my knowledge, that he should know it, and certain things that I knew were being changed in the club and it gave me such apprehension that some person was getting information and getting it back to the club.

THE COMMISSIONER: Q. Such as? Can you illustrate?

A. Well,he would say: "Well, haven't you got your orders yet? You know, you aren't supposed to do this or you aren't supposed to step those cars out on the road" and we had a memorandum in which it was alleged - do you mind if I take time to look this up?

Q. Yes. Let me see it. (Document shown to the Commissioner)

A. Yes, another one there.

Q. You just illustrate. He seemed to have information.

AA/2

A. Well, on August 28th of 1957 as the result of a memorandum from my district inspector and as the result of a memorandum that he received from the Assistant Commissioner James Bartlett, we were alleged to be picketing the club, and as the result of a complaint made to them from Mr. Herman. In this behalf Mr. Herman had complained to some person in the Attorney-General's Department apparently and had gone through the channels so that it came back to me. Curly Gardner was quite conversant with the fact that we were not supposed to do certain things, such as checking cars that were entering or leaving the premises, and that was one thing that he was quite well - that he knew that we were not supposed to do this.

MR. WILSON: Q. Well, you felt he was

informed on matters that in the ordinary course he should not have knowledge of?

A. That is correct.

Q. Now, I see by reference to Exhibit 134, the summary of surveillance and raids, that after September 11th you executed a warrant, a search warrant on September 21st at the Roseland?

A. That is right.

Q. And I take it you did not obtain any evidence warranting any proceedings?

A. No, sir.

Q. Then following that date you did make a further raid on November 13th, 1957?

A. There was, I took action previous to those raids, if I may - I don't know whether ---

Q. I assume you kept surveillance from day to day?

A. No, we were called off. In September?

Q. Yes.

A. Oh, yes.

Q. That is the period we are talking about now.

A. Yes, sir.

Q. From day to day you had surveillance and kept a record of the cars and so on?

A. That is correct.

Q. And finally on November 13th, 1957

you made a raid which resulted in a prosecution?

A. That is right.

Q. And you made a report in respect to that raid, I think it is dated December ---

A. 3rd? I have my copy here.

Q. Well, is the document I now show you dated December 3rd, 1957, your original report?

A. Yes, sir.

MR. WILSON: That will be Exhibit 135.

THE COMMISSIONER: What date is it?

MR. WILSON: Datdd December 3rd, 1957.

---EXHIBIT NO. 135: Report of Inspector Hatch dated December 3rd,1957.

MR. WILSON: Q. Now, as the result of that - maybe briefly you can tell us as a result of that raid what prosecutions took place?

A. Curly Gardner and Lee Finnegan were both charged as keepers and were sentenced to twelve months in the reformatory. Offhand I would say 25 other persons were convicted of being found-ins, and Amato and Pitts, the charges were withdrawn.

THE COMMISSIONER: How many persons convicted as found-ins?

A. I would say 25.

MR. WILSON: Q. Now, in reference to this report of December 3rd, 1957, Exhibit 135,

I see on the second page in paragraph 8 there is a list of the found-ins and the amount of money and chips found on their person?

A. Yes, sir.

Q. And without going over the list, I just want to call your attention to a few of those names and give reference to the amounts as shown in this report.

Eddie Guarrella,
26713 Princeton St.,
St.Clair Shores,
Michigan. $8,560.55.

Is that correct? That you will find on page 3.

A. $8,560.55 is correct.

Q. (reading):

Max Snider,
3773 Tuxedo,
Detroit $4,649.77.

A. That is correct.

Q. Together with 7 gray, 11 brown and 14 orange?

A. Yes, sir.

THE COMMISSIONER: Chips?

MR. WILSON: Chips.

Q. Then:

Vito Giacculone,
951 Nottingham,
Grosse Point Park,
Michigan, $6,745.45.

and one orange chip?

A. Yes, sir.

Q. Now, did you know of any of these three persons at that time?

A. I know that Vito Giacculone by

this time from my investigation, I was able to determine that he was part of this club. What part he played at that time I since know but at that time I did not know, but I knew that he was part of it, but what direct action he took I couldn't tell you.

Q. You say you know now, based on what Gardner gave in evidence here, is that right?

A. No.

Q. Otherwise?

A. Yes.

Q. Then just tell us exactly how you learned later about his interest or association with the club.

A. After the trial, which I believe was on December 30th, 1957, the Crown Attorney instructed that all the money must be returned to the individuals that had money coming to them. Giacculone made arrangements to come after hours to my detachment office to see me to personally obtain the large amounts of money for himself and Eddie Guarrella and Max Snider.

Following their arrival at the office, there was - he then divulged to me who he was, what he was, and his connection with the club, and that would I tell him the names of the persons that had chips in their possession when arrested.

Q. Then just tell us what he said to you as to what he was and what his connection was.

THE COMMISSIONER: Well, he is leading up to that, I think.

MR. WILSON: Possibly.

THE COMMISSIONER: He wanted you to tell him the names of the persons who were arrested. You knew, of course, the amount of money that they had?

A. Yes.

Q. Because you had taken it. What had you done with it in the meantime when you took it, what did you do with it?

A. We had it in a vault.

Q. I know, but it was not all mixed up?

A. Oh no, no. It was all in separate packages.

Q. Yes?

A. Following the conversation I had with Giacculone, he then gave me certain fix information which was that he was a partner in this club in the operation of it, and that Eddie Guarrella worked for him, and Max Snider is a big-time gambler. He is a business man but gambling is part of his life.

Q. He comes from ---

A. He comes from Detroit. There were certain things that I didn't know about

the club that were still a mystery to me, and I had an opportunity here to find out from Giacculone what the answers were, if he so desired to answer them.

I asked him what part did Gardner play in the club, and his answer was that Gardner was just a flunkey, a man that got paid for his services. I asked him what his services were, and his services were that he knew every gambler in the country, and that it was up to him to keep unwanted persons out of that club and supply the protection around the club, that is, the cars; that Gardner was never allowed in the gaming room of that club while it was in operation. He was strictly a front door man and on the security end of it, and Gardner's responsibility was to see that he hired these people and had them there for the evenings when the games were in progress, and that was Gardner's duties.

Finnegan owned the premises and he got his cut for the reason that he was - used his premises for a gambling house.

Q. How were they paid?

A. Well ---

Q. That is, how were Gardner and Finnegan paid for their services?

A. The nearest thing that I could say, that when I asked him on that question, that he - I suggested a certain figure to him

and he said that I was very, very close, and that was that Finnegan got 5 per cent, Gardner got 5 per cent and the other part was split between McDermott and Giacculone.

Q. Excuse me, Mr. Wilson. He told you that much about the operation?

A. Yes, sir.

Q. Now, what did he tell you about himself, who he is and what he did and so forth.

MR. WILSON: You anticipated me.

THE WITNESS: Well, I don't think he would come out and tell you in the same terms I might refer to him here. He is known in the City of Detroit as the top ---

THE COMMISSIONER: Operator?

A. Operator of all the gambling joints in the City of Detroit and parts of its suburbs, because I know that he does go out into Highland Park and that is a separate city in the metropolitan area; but there has been some disagreements, previous disagreements, with other fellows that have other parts of the syndicate, and at the present time that he is the biggest man in the City of Detroit connected with gambling, and that he controls, through his services, that he controls all the gambling - barbut, which is the big game,- all the back ends, and front ends, and also the numbers or policy, whichever you want to

call it.

MR. WILSON: Q. I take it that this statement you make about him is not based on what he said to you in its entirety?

A. I would say 99 per cent of it is based entirely on what the man told me.

AM/3

Q. 99 per cent of it, and the rest of it is based on what, confirmation you have obtained from the other side?

A. From the other side, yes.

Q. And from police on the other side?

A. That is right.

Q. Do they confirm his story?

A. Well, they think he is a lot bigger than I would actually say he was.

Q. Did he tell you the value that was placed on these chips?

THE COMMISSIONER: Excuse me, before we get away from that. You were saying that it was suggested that Gardner got, what did you say, 5 per cent, and Finnegan 5 per cent and the balance was divided between McDermott and Siscoulone. In what proportions, did Siscoulone tell you?

A. No, he wouldn't.

Q. Did you suggest a figure to him?

A. I did.

Q. And what did he say with respect to your suggestion?

A. "You are close enough".

Q. And what was your suggestion?

A. 45 per cent each.

Q. 45 per cent to each of them and then 5 per cent to Gardner and 5 per cent to Finnegan?

A. That is right, sir.

THE COMMISSIONER: All right, thank you, Mr. Wilson.

MR. WILSON: Q. What value did he say was placed on these chips for the purpose of play?

A. I anticipated that you were going to ask me that because - and I could be mistaken only in the fact - I know exactly what the grays were worth. They were worth a dollar apiece. I would say from memory that the brown chips are worth $5 a piece and the orange chips are worth $25 a piece.

Q. Did you inform him as to the amount of chips in the possession of the various found-ins?

A. I did, yes.

THE COMMISSIONER: He wanted that information, you said?

A. He did want that information.

Q. Did he say why?

A. He said that he was in the gambling business, and that when you are in control of a gambling organization, that in this particular instance any person that he knew that

is there he would know them by sight and by name; that if, we will take, for instance, myself, if I was there and I shed any chips, I had lost them all, and then next day or a week after I come up and I come and see Giacculone and I say to him: "Well, I had $500 in chips. Where is my money?" he would be obliged to give me $500 because he must accept my word or he would be known as a "chiseller" or "welsher" amongst the fraternity and he would lose respect amongst the gambling fraternity.

Q. That is why he wanted to know the colour, the number of the chips that the found-ins had when they were arrested?

A. That is correct.

Q. So that he could reimburse them?

A. That is right.

Q. For the exact amount that the chips represented?

A. That is correct.

MR. WILSON: Q. And did you discuss with him the size of the game that was being carried on at that club?

A. He said - the nearest thing that I could say was he sure didn't want to see the club closed down because it meant an awful lot to him, but he would never - he was not a man who bragged about the money that he made. Money to him - I think it was

described by a previous witness that money didn't - it was paid out and paid out and paid out, and he is the type of individual that as far as, from information that I have received, that if you are in his company your money is absolutely no good, regardless of what it is that you are attending or seeing, or wherever you are going.

Q. I don't think we have fixed the date of this meeting you had with Giacculone in relation to the date of the plea of "guilty" being entered. Was it before or after that time?

A. Well, the day that I had this meeting with him was the day that I gave him the receipt.

Q. The receipts?

A. Show that it was December 31st.

Q. January 6th I think.

A. December 31st, the day after the court proceedings.

Q. Oh, the day after the plea of "guilty" was entered?

A. That is right.

Q. The reason I said the 6th, I see some receipts are 6th January.

A. That is the other persons. He came over and wanted this money.

Q. Now, before the actual plea of "guilty" was entered on behalf of Finnegan and Gardner and the found-ins, did you have any

other meetings with any individuals who you now know to be Canadians who were contacting you for their own particular purposes?

A. Yes, I will read a notation from my diary as of December 27th, 1957:

"7 p.m. to 11:30 p.m. Accompanied "by Corporal Graham to Detroit. "Met two alleged informers on "Walker Road Club, R.Miller and "Morris Rose. These men apparently "in the employ of club."

December 27th.

Q. Now, will you just tell us the circumstances in connection with that?

A. Back in the fall months, I would judge it to be in September, as a result of nightly observations of cars and persons entering the club. The licence numbers would be taken by me to Lansing, Michigan, and checked through the recording of the Motor Vehicles Branch. During this time a man by the name of R.Miller - and I have tried so hard to try and recall what his first name is, but I can't, I went to his house ---

THE COMMISSIONER: You got his name, I suppose, at the Motor Vehicles Department?

A. That is right. I went to his home and found that his wife was there. She was a Jewish lady and she very excitedly realized

that I was a policeman, and she told me where I could see her husband as he was working in "Sam's". The store that is under the name of "Sam's" in Detroit, they have a large store like Eaton's which is called "Sam's" and then there was this small one not too many blocks away.

I went to this store and I saw this man Miller.

Q. Now, this little store is also known as "Sam's"?

A. That is correct. It is a little store, men's haberdashery, clothing, shirts, socks. He wanted to know how I had selected him, and I told him that I had checked his car, and his car had been to the club, and that I just wanted to find out what reaction there was from it.

He said that Snider, Max Snider's son who was also a found-in in the outfit, was a friend of his, and that he had accompanied Snider to these games, that he had stopped going there. I asked him: "Well, are you going back?" and he said, "Well, he hadn't, he could back any time that he wanted. I said, "Well, would you find out something for me?" and he said, "Yes, what is it you want to know?". I said I would just like to know what the operation of the game is, and he said, "Well,you mean -- " and I said

just exactly what I mean: "I want to know who operates the game, what method they use and what they use on the table to denote the field and the odds, bet and come-bet and so on and so forth". He said, well, he would, he would be prepared to ~~shx~~ help me. So I said, "Fine. I will hear from you" and he said "yes".

About a week went by and we checked and he never went back in the club, so I phoned him and I said, "Have you been back to the club?" and he said, "No". So I said, "When do you think you are going to be able to go back in?" and he said, "Yes, I will, maybe next week".

So the following week passed and as a result he did not go, and the following week I checked again with him and he said, "No", but he thought he would be going the next week, and the following week I received a telephone call from, it appeared like, an elderly gentleman of a Jewish type of individual asking me to leave this man alone as I had upset him by the fact that I was a policeman and he did not want to be bothered with me. I said, "Very well" and that was the end of it, and that all happened during the month of September. Nothing further was heard until, I would say, it occurred onthe 26th, a Thursday, the 26th December of the same year,

1957.

(Page 4010 follows)

BB/WAL/1

MR. WILSON: Q. You fix that by your diary?

A. Well, I didn't record that I had received --

THE COMMISSIONER: Q. You have an entry in your diary for December 27?

A. Yes.

Q. By reference to that can you fix the date?

A. I would say it was the day before I received a telephone call from this lad Miller saying that a friend of his was very bitter against the Walker Road Club. The Walker Road Club had been knocked off, as the term is.

Q. On November the 13th?

A. On November the 13th.

MR. WILSON: Q. When you say the Walker Road Club, that is the Roseland?

A. That is the same Roseland, or the Army, Navy, Veterans, etc.

Q. Yes?

A. And there had been various calls from various places throughout the State of Michigan asking me how good I had done and would I tell them what information did I have -- what evidence did I have against the club. I didn't pass out that information.

Then, this man called and said he had a friend who was a shirt salesman who had lost $8,000 and he would be willing totestify and would I be interested in seeing him. He said

he would come over and testify for $500. I told him I wasn't interested in the $500. As far as I was concerned, if he wanted to make arrangements for me to meet this man I would go over and meet this man at his pleasure. The arrangements were made the next day and I took Corporal Graham with me.

Q. That is Corporal Graham from your detachment?

A. Our detachment.

Q. Yes?

A. And there was this Sam's Store and just to the -- on a corner, I can't tell you the direction, but I would say maybe it was west. It could be east. There was a short street and upstairs there was a bowling alley and you could buy a meal, you could have a drink and bowl, and there was -- So, that was where we arranged to meet. And Miller and this Morris Rose and Corporal Graham and I eventually did meet in this place and sat down to a table.

Q. How did Morris Rose identify himself to you?

A. Well, he was Morris Rose, a shirt salesman.

THE COMMISSIONER: Q. From where?

A. I presumed that he was from Detroit. He was supposed to be a friend of the other Detroit lad. There was no mention of the

Ontario side, but he would be willing to come over so that --

MR. WILSON: Q. What did this Morris Rose tell you on that occasion?

A. Well, as the evening progressed we finally got down to where there was a discussion. The first time it was purely shop talk. It was nothing to do -- We had a few drinks and he had some supper and Miller had his supper, spaghetti and meat balls, and we had a drink, and I said, "What about this club?" He said, --

EB/2

THE COMMISSIONER: Q. Who is "he"?

A. Morris Rose said he lost $8,000 in the club and he figured they ran a crooked game. And I told him as far as I was concerned he was wrong, because the game couldn't possibly be operated as a crooked game. And I believe I went into a lengthy explanation of why it couldn't be a crooked game. So, he said, "Well, what would you give me if I would go over and testify?" I said, "I wouldn't give you anything. But, I tell you what you have to do before you get started." And, I said, "I will take your statement and you sign it and I will give it to the Crown Attorney and the Crown Attorney will make all the decisions. But, before we get that far I want to ask you some questions about the club to see if you have ever been in the club itself." He agreed to this. And he got up and went into

the washroom and was gone a few minutes. And he came back and I said, "Describe the place to me as you get out of your car and walk inside." He described it and did a fairly accurate job until he got inside and somebody had neglected to tell him it had been renovated. And he said it had been renovated since he had been there, and I knew he was a phony. And I said, "What kind of chips did they use?" And he said, "The regular kind, red, white and blue." And I knew he was wrong. And he went into the washroom again and came out again. And, by this time, I had cross-examined him very thoroughly on his knowledge of the club and realized I didn't think much of him, too.

So, he said, "Well, tell me now just what do you need for evidence to get a conviction?" And I said, "I need all I can get." He said, "Well, is there anything I can say that will help?" And I said, "Certainly, if you want to come over and testify you gambled there I certainly would welcome you." And it finally got down to three hundred, and I said, "As far as money is concerned I don't want anything to do with it." And, apparently, we got to the end of our discussion and I said, "Well, I guess we had better go", and he had better make his mind up whether he would testify or whether he would not give me this statement previous to testifying. And he said he would

phone me the next day, which would be the 28th, and we got up to leave. And he said, "It's early yet, why don't you come with me, I have a couple of swell babes. We will have a good time on the night." And I said, "No, thanks, I am a married man and I am heading for home", which I did.

MR. WILSON: Q. How long did this part dealing with the Roseland Club take, approximately?

A. Just dealing with the club?

Q. Yes.

A. I would say over an hour and a half.

Q. Did you later learn the identity of this shirt salesman, Morris Rose?

A. Yes. I made many, many enquiries. I even went back to Mr. Miller and he didn't divulge who the man was. I asked him how his shirt salesman friend was and he said, "Oh, forget about it", or something to that effect. And, then, following that Corporal Shrubb was in the area and I said, "Do you know, I am firmly convinced that shirt salesman was connected with this club in some way but I just can't seem to get it out of my mind." And he said, "Describe the fellow?", and I described him and he said, "I will send you a photograph and you tell me if it is him or not." And the photograph arrived several days later and it turned out to be Mr. Rose.

MR. WILSON: Mr. Rose, would you stand up?

MR. ROSE: I do not think there is any doubt.

MR. WILSON: Take a bow.

Q. This is Morris Rose, the shirt salesman?

A. Yes.

Q. The discussion with whom you have just related?

A. Following this meeting and following the trial that occurred on December the 30th, in which Mr. Herman, Barney Cohen, Jim Allen and Arthur Martin were in attendance at that hearing. And, following the Court case in which they, then, changed their plea because we had brought the surprise witness in on them, Humphrey was standing in the hall and he was talking to Barney Cohen, and Humphrey came -- I went over to where Humphrey was and was talking to him. And I was a little bit snide - I don't know whether that is the word - and I made a wise crack to him regarding a football game and he, then, -- We discussed something and I said, "I thought that was a pretty cheap trick you pulled, sending that fellow over to Detroit." And he said, "I had nothing to do with that whatsoever."

THE COMMISSIONER: Q. Humphrey said that?

A. Humphrey said that.

Q. He had nothing to do with the set-up at the Miller place?

A. That is what I was referring to, the set-up in which he made -- in which he was trying to --

MR. WILSON: Q. Did you put that same question to any of the other lawyers involved in the case?

A. Yes. And Barney Cohen said, "I had nothing whatsoever to do with that at all". I even discussed it with Giacalone and he said he had nothing whatsoever, he didn't want -- There was another item in which it was discussed at this meeting where they had checked my background all the way down the line and that many years ago there was a truck which upset that was loaded with eggs and I was alleged to have taken a basket of eggs, and Giacalone said, "None of that nonsense; we aren't trying to discredit this man at all."

THE COMMISSIONER: Q. They investigated you pretty thoroughly?

A. They knew more about me than I knew about myself.

MR. WILSON: Q. You say when the surprise witness turned up -- Who was the surprise witness?

A. Raymond Atwood.

Q. The brother of Earl Atwood who was murdered?

A. That is correct.

Q. And, so, when the counsel for the

defence saw Mr. Atwood there they --

A. They didn't know who he was.

Q. They did not know who he was?

A. No.

Q. Was he called into the witness box?

A. The best recollection I have is that counsel sat there and we called the first witness. His name wasn't called out until he walked into the stand, and the counsel all started tittering back and forth and asking Curly Gardner and Finnegan, sitting a matter of four or five feet, and one of them ran over and wanted to know who this witness was, and with the result it soon calmed down.

BB/3

Q. They then asked for a recess?

A. No, they let the witness go ahead.

Q. How far?

A. All the way.

Q. When were the proceedings adjourned for a short time?

A. Right after that.

Q. After he gave his evidence?

A. I think Mr. Martin got up and spoke to Magistrate Hanrahan and said he would like to have a recess as they would like to have a few words with their clients. They asked for half an hour, in which they did have the discussion, and they came back in and Gardner and Finnegan entered pleas of guilty.

Q. Is this document, dated February

the 1st, 1958, your report -- your final report on this matter, that is, on the prosecution?

A. That is right.

MR. WILSON: That will be Exhibit No. 136.

THE COMMISSIONER: What date does it bear?

MR. WILSON: It bears date February the 1st, 1958.

---EXHIBIT NO. 136: Report of J.H. Hatch, dated 1st February, 1958.

Q. Now, this Exhibit 136, has attached to it the receipts for the return of the moneys that were seized at the time of the raid on November 13. I call your attention particularly to page 6 of this report, paragraph 10.

A. Yes.

Q. Where it makes mention of certain information you had obtained since or after the conviction?

A. Hm-hmm.

Q. It reads:

"Since the conviction of the above "named the writer has ascertained that "besides GARDNER, FINNEGAN and VITO (Bill), "GIACOULOSE, there are two other top "members of this organization, one is "an American, the other a Canadian "living in Windsor. Their identity at "this time is not known."

Would you just explain the meaning of that,

in view of the information you say you obtained from Giacalone on December 31, 1957?

A. This information that I got here, when I was talking to Giacalone, you have construed that the one meeting and I have told you part of a second meeting with Giacalone. The first meeting and the second meeting. This information I have put in here was given to me in confidence by a certain individual, and that that associate alleged to be in the -- living in Windsor, which I know to-day is not a true part of this report. It was given to me at that time as authentic but it isn't true, not all of it.

Q. Well, then, do I understand that the evidence you gave a few minutes ago about what Giacalone had told you is the true facts in regard to the proprietorship or the operation of this club?

A. Giacalone and McDermott were the two king-pins of the club.

Q. Reading the next sentence in paragraph 10 on page 6 of Exhibit 136:

"Mr. Herman of Toronto was the man "responsible for obtaining the Federal "Charter, and is also their legal advisor "on the methods of operating a gambling "establishment."

On what do you base that statement?

A. This information -- This information

that I have there in the first paragraph was given to me following the court case by an individual that alleged that he had this information as authentic. I at that time -- And I know it isn't exactly -- Parts of it may be true but I don't think it is all true.

Q. Did you know at the time of the raid on November 13, 1957, the fact they were operating on a provincial charter?

A. I would say no. As far as -- I believe, if I am not mistaken, that the night we took out the search warrant on that it was taken under the Army & Navy & Air Force Veterans, because nothing had changed on the outside. I believe I knew they had a charter because it was in the newspapers.

Q. Were you advised of the issue of three charters to -- one to the Cooksville Club, the Centre Road Veterans Club, one to the Frontier Club, Fort Erie, and the other to the Roseland, in July of 1957?

A. Not to my knowledge.

Q. No?

A. Other than what I heard.

Q. What you heard?

A. It was common knowledge because it was wrote up in the newspapers.

Q. At what time did it come to your attention?

A. I would say it was the middle of

July.

Q. Of what year?

A. '57.

Q. Of 1957?

A. Yes.

Q. Not through any communication from headquarters of the Ontario Provincial Police?

A. Not to my knowledge. I don't ever recall receiving any literature on it.

Q. In Exhibit 136, the sixth page, paragraph 11, you say this:

"In conclusion the writer wishes "to express his gratitude for the very "able guidance and assistance received "from the Attorney General's Department, "The Commissioner, District Inspector "H. Rambottom, Crown Attorney B.J.S. "MacDonald, Assistant Crown Attorney "E.A. Duchesne, Corporal R.H. Graham "and Prov. Const. L.O. McKenzie in "making a successful conclusion to this "investigation."

Are those words yours?

A. These are exactly my words.

Q. Do they truly depict the guidance and assistance you got from the parties named, including the Attorney General's Department?

A. Yes, they do.

Q. On the question of the Attorney General's Department, so far as your dealings

with any of the senior legal personnel of that department, have you ever had any interference in the carrying out of your duties?

A. No.

I might add that at the time that -- I almost got to it here a while ago -- that I felt I wanted to see somebody and I wanted to see them high up, I felt there was a proverbial nigger in the wood pile and I didn't know where it was, and I had no knowledge where it was. And I went up to see my District Inspector and insisted he make an appointment with the Commissioner for me to see him, with the result I did go with the District Inspector --

THE COMMISSIONER: Q. Inspector Rambottom?

A. Inspector Rambottom. On September the 20th.

MR. WILSON: Q. 1957?

A. No, that is wrong. I went to the D.H.Q. on that date. That is the day I went to see my District Inspector.

4/HB

Q. Can you fix the day you saw the Commissioner?

A. I went to Toronto on September the 30th, which was the following Monday.

Q. And who did you see at that time?

A. The District Inspector and myself had an audience with the Commissioner, in which I requested that I have a meeting with members of the Attorney General's Department in reference

to our club as I wanted some guidance.

Q. Did you, in fact, have such a meeting?

A. Yes.

Q. And can you fix the date of that meeting and with whom the meeting was?

A. That was on October the 9th.

Q. And who did you meet at that time in the Attorney General's Department?

A. It came to our headquarters first and, then, left by car to go to the Parliament Buildings, and I couldn't tell you how I got from down there.

THE COMMISSIONER: Q. Who did you meet?

A. Mr. Common was there, Inspector Hand was there, Inspector Haraland was there, Inspector Ramsbottom was there, the Commissioner was there, the Deputy Commissioner, Bartlett, was there, Sergeant John Anderson was there.

MR. WILSON: Q. And what was the discussion, so far as your district was concerned?

A. I had a couple of requests I wanted to put forth, and one of them was I discontinue the weekly report I was submitting to Toronto. And I gave my reasons, that I felt there was a leak somewhere in Toronto, that the information was getting back out to the club. And the Commissioner had said that he couldn't give me that permission, and Mr. Common said that he thought it was a reasonable request, and it was granted. The other request I made was that

I would be able to spend a little bit of money - say, twenty-five or fifty dollars - without having to tell too much where the twenty-five or fifty dollars went, and that was granted to me.

Q. What about this twenty-five or fifty dollars, without going into detail?

A. What did I want it for?

Q. Yes.

A. To buy information.

Q. That is all I wanted to know. Those are the two matters you got settled at that meeting?

A. Yes, those and the other was to be guided by the Attorney General's Department as to the amount of evidence required for a conviction and what would be required for a conviction. And I believe I said at that time I wasn't interested in whether they appealed it or not, I just wanted to get a conviction. And Mr. Common then gave me the instructions of what would be required. And at that time I stated I believed I could obtain the services of some person, and name to remain unknown, that his life would be in jeopardy if I were to tell it. And they agreed that was quite so, that person's name should not be mentioned.

Q. This was some undercover agent you were going to make use of, or informant?

THE COMMISSIONER: Q. It was an informant you were going to make use of? Just say yes or no.

A. Well, yes.

MR. WILSON: Q. The answer is "Yes"?

A. The answer is "Yes".

Q. It is in respect of that co-operation you received from Mr. Common --

A. I wanted to go on a little further.

Q. If there is anything further, go on.

A. It was understood this name that I was mentioning -- was talking about couldn't be mentioned. Following that I was asked by one of the parties what the name of this person was, the name of the witness I might have, and again I refused to answer.

Then, the next day I went home, that afternoon, and it was the next night I received a telephone call and the person on the other end of the line, it was a long distance from Toronto, said his name was Scott Young, that he was writing a series of articles on all the gambling establishments at Windsor, Niagara Falls and the Cooksville, and that he had been told by Inspector Marsland that I was ready to break the Windsor club and that he would like to be on the inside for the story, and when was I going to do it. I said, "I don't know you and I don't talk over the telephone, but if you are coming down here bring plenty

of credentials to make sure you are known". And he phoned, I think, every day for possibly a week or more, trying to get this -- find out the information.

Q. He never turned up in Windsor?

A. I did meet Scott Young personally after the Stanley Cup Finals in Chicago last year when he was waiting for a plane at the Windsor airport and I spoke to him and asked him if he had ever called me. And he said he didn't know me and it wasn't him because it wasn't even his voice.

Q. Was there anything else you wanted to develop along those lines, because I have another matter I want to deal with?

THE COMMISSIONER: Well, we have not it spread on the record yet as to the security facilities at this club.

Q. Do you know what they were, how the club was operated? I do not mean who operated it. What facilities did they have for preventing the police getting in, etc., etc.?

A. It was quite an elaborate affair. This house was a three-storey building and was quite a palatial home before it was converted into a club. And, on the third floor at the front there was a series of three or four windows.

If you have a photograph I believe I could show you.

THE COMMISSIONER: Have we a photograph as

as exhibit?

MR. WILSON: We have two or three photographs, as I recall.

---Photograph handed to witness.

THE COMMISSIONER: Q. These are little bay windows up in the attic (indicating)?

A. Yes.

There would be a man seated in the window.

Q. Where did you get this information?

A. Well, a chair was there, the cigarette butts were there and, usually, you could meet the man by the time you got in, he was coming downstairs, and this was where he sat watching out.

Q. From that vantage point?

A. He could see out from there down the road and detect any police or unusual activities that would be approaching.

This building, here (indicating), no gambling took place in the building itself. The gambling is here (indicating).

Q. Where?

A. Back here (indicating) where it looks like a garage.

Q. In that brick part?

A. It's -- there's, like, a wing right out from here (indicating), and this (indicating) was camouflaged with two garage doors.

Q. You are now looking at Exhibit 90.

Exhibit 30 shows a house at the front and, then, what looks like an enlarged garage at the back?

A. Yes.

Q. There do not appear to be any windows in that back part?

A. There isn't.

Q. There are not?

A. No, sir. Up in here (indicating), up in the top, there is a large air conditioner.

Q. There was a man sitting at the bay windows in the attic keeping a watch for what was going on down below?

A. That is right.

Q. What else?

A. There were two men on the -- two, if it was a busy time three men, sitting strictly close to the arbour near the door, and one was Ernie Amato and the other one was Lloyd Dubrey.

MS/5 At the rear of the gaming rooms on the far side there was a box, like, a little square building attached to it, that had slits in it, like -- so that you could look out, peep-holes, but they were perhaps two feet long, and the man there could scan the whole view from all the way around, and he was in that position.

In the house there was, of course, as you got in the main entrance, there would be a steward, or so-called, who was the man Arnold Pitt, and previous to him was Jimmie Johnson. There was a room to your left that was, like,

a sitting-room. And, then, another little room, off there (indicating) that had a window. And there would be a man watching out that window. And there would be a man on the other side of the house watching out the far side. So, the house was covered on all four sides so no person could get close.

And, then, they had really powerful lights situated all around the building, that you could pick up a penny if it was dropped on the ground, it was that well lit.

And, then, they had a fence to put the cars behind so, from the road, you couldn't see any cars.

Now, the doors, which you can't see - there are two doors - they are panic doors.

Q. Panic?

A. Panic doors.

Q. What do you mean by panic doors?

A. Well, they only can be opened from the inside and you have to hit a bar to get the bar to go down to open the door. And there were two doors there. And, right in the corner there was another door, and this was after the Fire Marshal made them put these doors in there.

And, then, windows were heavy gauge wire mesh that would take a man with a pinch bar, would have to take probably ten or fifteen minutes, they were that well on.

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That would take a man with a pinch bar, it would have to take him ten or fifteen minutes to tear one off, they were that well on. And the windows down low were barred with steel bars, flat iron type. The door going into the main entrance, to get into this club, as you get to this door, from the inside was all reinforced with two-by-fours, so that if you hit the front door it was braced so it wouldn't give. And the door was a mixture of steel, plywood, and I would say that it would be approximately two and a half inches thick, and they didn't tell me -- when I say "they" -- I am referring to Giacalone, that they had sponge rubber in behind the steel plate so it would bounce a hammer back off.

Q. I take it, when Mr. Gardner was asked, at page 1721 of the evidence here, as to what alterations they had made to the premises, and he gave this answer:

"Bars, bolts, strong doors, blocked
"windows, passages to impede officers --
"everything that we could build in
"there to protect ourselves against
"the onslaught of the various police
"forces".

You would agree that that is what you found there?

A. I would say that one man with a really heavy sledge hammer wouldn't break into that place in a matter of fifteen or

twenty minutes, that it was so well fortified.

Q. Now, coming back for a moment to this meeting you had at the Attorney General's Department with Mr. Common and others, where there was a discussion about use of money for informants ----

A. That is right.

Q. ---- you say some person there had asked for the name of the informant?

A. That is right.

Q. Who was that?

A. Deputy Commissioner Bartlett.

Q. And it was at that point that Mr. Common agreed with you that there was -- that the name of the informant should not be disclosed?

A. That is right, and that if I didn't want to, I didn't have to tell my Crown Attorney.

Q. Now, there is quite a distinction between using moneys to get information and using moneys to buy a witness?

A. I would say a lot of distinction.

Q. Have you ever heard, in your experience in the Ontario Provincial Force, of any use of any slush fund or any other money for the purpose of trying to get people to give evidence?

A. Not in twenty-four years.

Q. No. Now, there is only one other matter. You had an interview with Vito Cheolone

at the Grecian Gardens?

A. That is right.

Q. And I can't quite fix the date of that meeting. Maybe you can.

THE COMMISSIONER: Q. First of all, the Grecian Gardens is a restaurant in Detroit?

A. I am not quite sure of the date, but I think it was the 11th.

MR. WILSON: Q. There is no need to worry about the exact date. If you can tell us the approximate date?

A. I would say the 11th or 12th of March.

THE COMMISSIONER: Q. What year?

A. 1952.

MR. WILSON: Q. And where is the Grecian Gardens located?

A. It is in the Greek section of the City of Detroit.

THE COMMISSIONER: Q. It is a restaurant, isn't it?

A. It is a restaurant. I think it is more than a restaurant. It has the outwardly appearance of a small modern Greek restaurant, but when you go in, into the back end, there is a tremendous big room there that would possibly hold banquets and meetings of some type. Quite large.

MR. WILSON: Q. What was the purpose of your meeting with Giacalone on that occasion?

A. Oh, I wanted to see Giacalone and see what further information I could gain from him.

Q. And what further information did you gain from him?

A. I found out to my satisfaction that Curly Gardner had nothing to do with the club, other than the fact that he was there for protection and he wasn't allowed to even gamble in the club, and that he was very much despised by Giacalone.

Q. Is that all you obtained on that occasion?

A. No. That I found out from him on that occasion that the meeting that they held in Detroit, in which the members of the -- of the solicitors and McDermott and Humphrey attended, that Giacalone also attended it, which I didn't know as a fact, and the fact that they were going to attempt to discredit me.

Q. Did he say he was at this meeting?

A. He said he was.

Q. Yes?

A. And what discussion took place.

THE COMMISSIONER: Q. That he was at what meeting?

A. The one that was held in Detroit, in the Layland or the Statler.

Q. Just a moment. He was there when this plan to discredit you was being discussed?

A. That is right.

Q. I see. What part did he say he took in that?

A. He was defending me.

MR. WILSON: Q. Did he indicate what the proposals were by some of those present?

A. Well, they were trying -- there was further -- I got into the conversation, and the way it went backwards and forwards, was, I told him I understood there had been quite a meeting in Detroit with all the fellows down this way and he said, "Yes, there had", and he had been there, and that he had been very much against -- and he had told me he didn't want anything said to discredit me in the shape they were thinking, along the lines of the basket of egg deal, and he went further went on that he knew every move that I made in the United States. I am speaking strictly of the State of Michigan. He knew every move I made and every person I contacted except one person. And as he said, "I can't understand how you got away with that". And the other thing, McDermott knew every move I made on this side of the water or the river.

THE COMMISSIONER: Q. In what period?

A. When the club was in operation.

Q. Oh, yes.

A. Nothing since the club.

Q. Yes?

A. And that he figured and I think if --

I could say that they figured that Jimmie Johnston, who was the previous steward of the Roseland Club up until around about August, was the man that they thought I had in the ice-box.

Q. What do you mean by that?

A. Well, I had him cooled out somewhere so when I had this trial come up, that Jimmie Johnston was going to talk and he was going to tell themhow the club was running. But Jimmie Johnston is still among the missing, but he is still believed to be alive. But he said that is one thing that really threw him because he figured that. And the only fellow was Rinaldi, a man by the name of Rinaldi, that on the last raid of November 13th Gardner was found in possession of a cheque for seventeen hundred maybe some odd dollars, I can't recall, but it was for $1700, and this cheque was signed by R. Rinaldi. As a result of this cheque being in his possession and having checked this around in the club previously -- I had checked with New York City Police to ascertain who he was, by sending his license number and his address, and I never received any information about him. So while I was talking to him, I asked Billie, I said, "Who in -- is this fellow Rinaldi? Where does he fit in?" And he went into a big act at this and he said, "Holy so-and-so, he had me really fooled. I thought he was your man." He said, "This man was

CC/2

vouched for by a very good friend of mine from New York City and he come up in here and he was spending money as though it was going out of circulation." In a week's time he had blown forty, fifty thousand dollars in the club, and he thought that he was my man. But he couldn't understand so much money so he decided to become a detective. So he followed this man to his residence and then when he found out that the man was out of his residence, he went into the man's place and checked him. He had rented a home from some wealthy person for a few weeks.

Q. In Windsor?

A. In Windsor. And he went in and checked the man all out and found out he was actually from New York. So he still wasn't satisfied. He flew down to New York to see the man who had vouched for him and found out this fellow had been connected with some business in which he was able to abscond with sixty or seventy thousand dollars, and that is how he ended up in Windsor. So he was quite pleased about that. He got the money, but the man wasn't my man.

MR. WILSON: Q. Was there anything else that was helpful in your talk with Giacalone?

A. Yes. He said that he would have traded with McDermott.

THE COMMISSIONER: Q. What do you mean, he would have traded with McDermott?

A. He would have traded territory.

Q. How extensive is Giacalone's territory? You told us the area.

A. Well, he is dealing -- Giacalone is dealing with three million people. And the coloured people in the State of Michigan is quite high and they are kind of fanatics for numbers gambling. And they also bet on horses. The Italian section in Detroit is quite high, and the Jewish type, Lebanese people are fantastic gamblers when it comes to barbut. It is quite a fine game. You can make yourself fifty to sixty thousand dollars in a few hours playing barbut if you are lucky enough. But he said he would trade with McDermott.

MR. WILSON: Q. Is there anything else about that meeting with Giacalone?

A. I asked him if he would take me to his club.

Q. I don't think we want to go into that.

THE COMMISSIONER: Q. I was going to ask, do you know whether or not the American authorities are on the trail of Giacalone?

A. Very much so.

Q. Let us hear about that.

A. The F.B.I. have been investigating him and the Detroit City Police have been investigating him. In fact, the night we were there, there was a raid going on in one of his establishments and he was up and down on the

phone and said the photographers were there, and I presume the newspapers were well aware there was a raid of some type going on.

Q. Tell us about the F.B.I. following him.

A. Yes.

Q. What he, himself, told you.

A. He told me he went to Florida because when I went down there previous, he wasn't home, and there was an elderly lady at the house and I didn't leave my name. So I went -- by other means I was able to ascertain that he had gone to Florida, and so when he came back I tried to make a contact with him and he said he had been to Florida and that all the way down and all the way back and all the time he was there, that the F.B.I. had three teams of two men apiece on him each day and he couldn't make a move unless they were watching him. Apparently there was some apprehension one morning when he went early shopping, and they missed him, and there was quite a scurry for a while, but he got back.

Q. When they were trailing him?

A. Yes, but he knows they are following him night and day.

MR. WILSON: Q. When Curly Gardner was giving evidence here in camera, it developed he was associating with a man named Anthony Chimirri?

A. Yes.

Q. Who, he informed the Commissioner, was an unemployed steelworker from Windsor who had talked to his wife in Windsor, and when he learned Carly Gardner was in Toronto he looked him up at the Lord Simcoe Hotel. Now, you were asked to make some enquiries about Anthony Chimirri.

THE COMMISSIONER: How do you spell that name?

MR. WILSON: C-h-i-m-i-r-r-i.

Q. I don't kow whether the pronunciation is right.

A. Yes, that is right. I checked it through many means in the City of Windsor where he was supposed to be, and he hasn't been seen in Windsor for over four years. Mrs. Gardner said there was some person, she didn't know who it was, and she thought it was a "Tony", a friend of her husband's said he was gone but she told him where he was, but hehasn't been around Windsor in three or four years.

Q. You told us about discussions or talks you had with Inspector Stringer in August and October, 1957?

A. Yes, sir.

Q. Now, as a result of the talks in Octbber, did you in fact report the matter to your superior officers?

A. I did. I reported it to my District Inspector.

Q. Why?

A. Because some of the things that were happening in the area, it didn't appear to me as though it was legitimate, and I couldn't comprehend a man driving over three hundred miles to spend two days waiting for me to ask me if I was going to transfer down to his area.

Q. What action was taken by your superiors? Did you see Commissioner McNeill as well, as customary?

A. Yes, I did. Following my advising the District Inspector regarding the information, he went to Toronto, apparently, on his annual leave, and while on his annual leave I surmise that he contacted the Commissioner.

Q. Don't surmise.

THE COMMISSIONER: Q. Unless you heard it.

A. The next thing I had was a telegram for me to meet him there on July 5th at the Commissioner's office.

MR. WILSON: Q. You went to that meeting?

A. I did.

Q. And there was a discussion made about these approaches made by Inspector Stringer?

A. There was.

Q. And what action, if any, was taken by the Commissioner, to your knowledge?

A. To my knowledge, nothing.

Q. I think we had better -- before I finish -- mark that 1957 diary as Exhibit 137. Is this the one?

A. Yes.

CC/3

---EXHIBIT NO. 137: 1957 Diary of Inspector Hatch.

Q. And I think you have made some reference also to events in 1958, have you not?

A. Yes. Well, I think, if I am not mistaken, that is 1956.

Q. Well, that is not the right one.

A. No.

Q. Have you got your 1958 one with you?

A. Not with me here, no, sir.

Q. You might let me see it to-morrow?

A. Yes.

THE COMMISSIONER: What is the one you are putting in now?

MR. WILSON: 1957, Commissioner.

That is all.

THE COMMISSIONER: Well, we will have a ten minute recess.

---A short recess.

---Upon resuming:

THE COMMISSIONER: Are you through, Mr. Wilson?

MR. WILSON: Yes, I am through, Mr. Commis-

sioner.

EXAMINED BY MR. HOGG:

MR. HOGG: Mr. Commissioner?

Q. Inspector Hatch, I just want to get the sequence of some of these dates in order. This club under the name of Roseland Club or by some other name was in operation since 1953, approximately?

A. I would say 1953, early 1954 or something in that area. I could give you more information on it.

Q. No, just roughly. 1953 or 1954. And you arrived in that area in 1955?

A. Yes, sir.

Q. You have told us at that time the anti-gambling squad was responsible for the conducting of the raids and the strategy, conducted with the assistance of the local detachment?

A. That was my interpretation.

Q. Then, what has been referred to by the Commissioner as new policy, was established in April, 1957. That is, that you took personal charge?

A. Not that I took personal charge.

The detachment took.

Q. The detachment?

A. Yes.

Q. And you were one of the senior officers there?

A. I was senior officer. I could have delegated another man.

Q. You saw fit not to?

A. I did.

Q. And retained control?

A. That is right.

Q. You have told us of the vigorous efforts you took from that time to close this club down. Now, since April, 1957, you had been submitting reports through normal channels?

A. There had been reports submitted on the club since the beginning of the club.

Q. Right. But that continued on?

A. That is right.

Q. After the new policy in April, 1957?

A. That is right.

Q. And these reports would go to your superior and then be forwarded to Toronto?

A. That is right.

Q. To the headquarters of the O.P.P., presumably, seen by senior officials and then filed in the proper place?

A. I wouldn't know.

Q. That is normal police procedure?

A. I would say so.

Q. Now, you became suspicious or apprehensive that information about what you had done and about what you were intending to do, was getting into the hands of their gamblers or their syndicates?

A. That is right.

Q. And as a result of that apprehension on your part, a meeting took place on, I suggest, October the 9th, 1957?

A. That is right.

Q. And you made it quite clear at that meeting that you suspected that there was a leak some place?

A. I made it clear that they understood there was a leak, but I don't think at that time that I made myself too clear, because after that meeting I wasn't reprimanded, but I was -- I don't know how to express it, except that the Commissioner thought that my being there and the statements I made were against him, personally.

Q. In any event --

THE COMMISSIONER: Q. This is the meeting, where?

A. That I had with Mr. Common in Mr. Common's office with the three District Inspectors, the Deputy Commissioner and Sergeant Anderson and myself.

MR. HOGG: Q. I understand there was a

meeting at which Commissioner McNeill was present, Assistant Commissioner Bartlett, Inspector Hand, Inspector Ramsbottom, Inspector Nareland, and yourself?

A. Did you mention Sergeant Anderson.

Q. And Sergeant Anderson?

A. Yes, sir.

Q. This was about 1.30 in the afternoon?

A. I would judge it to be that time.

Q. And Mr. Common was present?

A. Mr. Common.

Q. You were the junior officer there?

A. I was one of the junior officers there.

Q. And Sergeant Anderson and the other people there were all senior rank?

A. That is correct.

Q. And at that meeting you requested that you be allowed not to make reports?

A. That is right.

Q. And you were given that permission?

A. I was.

Q. That is October the 9th?

A. Yes.

Q. And in fact, you carried out that policy of not submitting reports in the manner in which you had before?

A. That is right.

Q. And this club was knocked off on November 13th?

A. That is right.

Q. A month and a few days later?

A. Well, there was another meeting after that.

Q. In any event, after you were given permission not to send these reports through it was only a month and a few days that the club was knocked off and closed down?

A. I would say yes.

Q. Now, you are referring to another meeting?

A. Yes.

Q. What meeting was that, Inspector?

A. That was another meeting. I was instructed to return to my detachment and continue my investigation and see what I could gather in the way of information for a prosecution, as I had been instructed by Mr. Common, and that to have a further meeting at a later date. And I have a notation in my diary.

THE COMMISSIONER: Show him his diary.

---(The Registrar produced same.)

THE WITNESS: When I -- my mind is a little more refreshed now, after checking my diary. I was told to come back and when I felt I was getting to the point that I might be considering getting to their conclusion, I was to consult with my District Inspector

and he would consult with the Commissioner and that there would be a further meeting, which did take place. I consulted with my District Inspector on October 17th, 1957, and I proceeded through to Toronto the next day, and we had this meeting. Now, the unfortunate ---

MR. HOGG: Q. Who was present?

A. The Commissioner and Mr. Bowman of the Attorney General's Department with District Inspector H. Ramsbottom.

THE COMMISSIONER: Q. What date was that?

A. October the 18th, Friday.

Q. There was present, whom?

A. The Commissioner, McNeill, Mr. Bowman of the Attorney General's Department, Inspector H. Ramsbottom and myself.

Q. Yes?

A. Now ---

MR. HOGG: Q. Excuse me. Bartlett wasn't there?

A. At this meeting?

Q. Yes, the second one?

A. No, he was not. At this meeting I recall the Commissioner being there and I recall my District Inspector being there, but I can't recall Mr. Bowman being there, but I know he was there or I wouldn't have it in my book. But it doesn't make that much difference. What I was going to get at was this part. A decision was left with

myself at this meeting, that the raid would be conducted by myself with my District Inspector, if you can follow the same. No other help would be provided for me, at my request, and that the day and date and time and place was at my discretion or my District Inspector's discretion, and that nobody would ever be notified when the club was hit until after the next day, at which time my District Inspector was to get in touch with the Commissioner, advising that the club had been raided.

Q. After it was a fait accompli?

A. That is right.

THE COMMISSIONER: Just a moment, now. Yes.

THE WITNESS: I recall that the Commissioner said, regarding manpower that we would require, would we want any men drawn in, and I said, "No". May I interject for a moment? Our detachment, Essex Detachment, had been taking a terrific beating from the public and the newspapers. When our men would be enforcing traffic, they would be told by the local citizens, "Why do you bother me? Why don't you go and knock off the club, and yougentlemen are getting lots of money." The general impression is that we were all wealthy members of the O.P.P. detachment in this club, and it was decided by the Inspector and myself that our men would be the men who

would raid the club if it was going to be a success. And that is why we didn't ask for any help.

MR. HOGG: Q. In addition, you were given a free hand and didn't have to report the raid to any one?

THE COMMISSIONER: He said that.

THE WITNESS: I would say yes, with the co-operation of my District Inspector, who was my immediate superior.

MR. HOGG: Q. I am talking about any one in Toronto.

A. That is right.

Q. And youwould pick the men to take on the raid?

A. I did.

Q. The was October the 17th?

A. Yes, sir.

Q. So it was less than a month after that, that the successful raid was carried out?

A. That was the 18th, I think.

THE COMMISSIONER: The 18th, Mr. Hogg.

MR. HOGG: Q. Now, did you, in fact, carry out the policy which you were authorized to take? That is, you didn't tell anybody in Toronto and proceeded along the lines of authority you were given?

A. I never told a soul.

Q. Prior to this, on your raids since 1953, that information had been given out before.

had it? By you or by somebody else?

A. I didn't go there until 1955 and the information of raids was conveyed by means of a report that was submitted from that detachment.

THE COMMISSIONER: Q. Well, would you be making a report that you intended to make a raid?

A. No, no, no. Now, when the report would come in it would be -- each week, as far as myself was concerned, each Thursday, I am pretty sure it was a Thursday that our report would be made out. I am pretty sure the report had been made out on a Thursday and it would be in Toronto on Friday, if I am not mistaken, covering the previous week. So that you would be only reporting what had occurred, not what was occurring.

MR. MOSS: Q. At the meeting of October 9th, were you and Anderson the junior officers there?

A. Yes, sir.

Q. You had indicated quite vehemently, I suggest, that a leak was taking place, or you suspected it was taking place. That was an inference that you drew?

A. Well, I felt firmly convinced in my mind there was a leak, and where it occurred I didn't know.

Q. Something was wrong?

A. That is right.

Q. An irresistible conclusion you

came to?

THE COMMISSIONER: He was of that view.

MR. HOGG: Q. What was the reaction of the persons present to that?

A. I thought that I received favourable reaction at the time, but afterwards I was -- the Commissioner spoke in a very harsh manner and said I had openly accused him of giving out this information. I said, 'No, I think you misunderstood the point I am trying to get at. I don't know where these reports go or who could possibly be reading them." And can I go on a little further?

THE COMMISSIONER: Q. Go ahead.

A. The Commissioner was very perturbed about it, that I had placed the finger on him for the alleged leak that I had mentioned. Now, following this, I went to Toronto again after this club had been knocked off, and at that time the Commissioner apologized because of what he had said when he was rather perturbed, because he said, "I have since learned there was a leak and that you were right."

(Page 4060 follows)

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Q. And did he tell you anything further about where the leak was?

A. He didn't go into too much detail, except that he said that there had been a large-scale raid which was to have taken place on a given night in an area near Hamilton, or in Hamilton, and that they had acquired all the necessary men and cars and warrants and halfway there they had called the men back and that they had been informed that the leak was out.

Q. The leak was in Toronto?

THE COMMISSIONER: Well . . .

THE WITNESS: I would only have to guess.

MR. HOGG: Did Inspector McNeil or anyone else at that meeting indicate to you whose hands these reports were going through?

A. I don't think that he ever explained to me anything about the reports. I cannot recall, because I recall that when we were going back, that is, with my district Inspector, he was a little bit unhappy because I had - I was unhappy too, because, to go back in my diary, on the 5th or so of October, when I went to see my district Inspector I had overstepped my authority as a sergeant, in my own belief, by demanding that I see the Commissioner,and I wanted him to phone immediately to the Commissioner, and he said, "Well, I am going up on Monday, and you go with me,"

and I went with him, and I didn't have very long with the Commissioner. Now, after we had had the meeting with Mr. Bowman and the other gentleman, on the way back my District Inspector felt that possibly - he didn't say it in these words ---

Q. This is Ramsbottom?

A. I think that, in the telling of a story or the telling of a fact, it can possibly be told two ways so that one man gets one meaning and the person telling it gets another, and I think that is what happened in this instance. I knew what I wanted to say, but I don't think I told it in exactly the way they heard it.

Q. Did you learn from your District Inspector, that is Ramsbottom, that Bartlett had been following him on administrative matters and then making inquiries about the clubs ---

A. Yes.

Q. -- about the club?

A. Yes.

THE COMMISSIONER: Just a moment.

MR. HOGG: After October 9th, 1957?

A. Oh . . .

Q. Well ---

THE COMMISSIONER: He has been asked a question. Give him time to answer.

MR. HOGG: I am sorry.

THE WITNESS: I would have to look it up. October 9th?

MR. HOGG: Yes.

A. No, I don't think at that time that I knew. I knew there had been previous calls by my District Inspector - to my District Inspector, I should say - from Deputy Commissioner Bartlett, and in each - not in each instance, because I know he didn't send me them all, but he did send me some of the memorandums connected with my work and which I was maybe a little apprehensive about myself.

THE COMMISSIONER: Just a moment. You learned from Ramsbottom that there had been a time - never mind what date it was - there had been a time when Bartlett would call Ramsbottom on some administrative matters and during the course of the conversation had made some enquiries?

A. No, I don't mean that.

Q. What do you mean?

A. I mean that he would call him regarding certain procedures of our investigation on the club that he would relate to me. Inspector Ramsbottom would relate to me the information he got from Deputy Inspector Bartlett.

MR. HOGG: Q. My question was this: Did you learn from Ramsbottom that Bartlett had been calling him on the telephone from Toronto,

making enquiries about what action had been taken or was going to be taken in regard to the club?

A. Since . . . ?

THE COMMISSIONER: At any time.

MR. HOGG: Q. At any time. Did Rambottom inform you of it?

A. What action was going to be taken? Not telling us what action to take?

Q. I will come to that next.

A. There is quite a variation.

Q. I know, but he was making enquiries about the police activities in regard to the Roseland Club?

A. I would have to say that I can't recall anything of that nature. I just can't. I know that there were calls but it seemed to me as though they were in reference to what we were doing.

Q. Yes, that is right.

A. To what we were doing?

Q. Yes.

A. Yes, but not to what was going on. That is why I say - you convey to me the question as though Bartlett is phoning up and saying, "What is going on down there?". Now, that is not what I am trying to convey. He would give Rambottom instructions on the telephone as the Depaty Commissioner, who in turn would give me instructions.

Q. As to what to do in connection with these clubs?

A. Yes.

Q. And as to what not to do in connection with them?

A. Yes.

Q. And in order to give those instructions, he would have to know what you had done?

A. I would say yes.

Q. And what you were doing?

A. I would think so.

Q. And what you were going to do?

A. I would say so.

Q. Inspector Ramsbottom is available? He is still down there?

A. Oh, yes.

Q. Have you got a memorandum of that, Inspector?

THE COMMISSIONER: Of what?

MR. HOGG: Of any of these enquiries by Deputy Commissioner Bartlett.

THE COMMISSIONER: To Ramsbottom?

MR. HOGG: To Ramsbottom.

THE WITNESS: No, I have got a memorandum - this is one that I have here from my District Inspector that deals with - by saying, "Further to my memorandum" - this is received from Assistant Commissioner J. Bartlett. He got a telephone call, and then following the

telephone call he got a memorandum in which he sends me the information.

MR. HOGG: Q. Now, Inspector, you have told us that you were checking the cars that were coming into this club?

A. That is right.

Q. And had instructed two men to do that?

A. That is right.

Q. And did you consider that an effective way - an effective part of your operations against the club that eventually led to its conviction? Is that one step in your ---

A. That is one step of my plan of breaking the club.

Q. And an important step, I suggest?

A. Yes.

Q. And did you receive instructions through Ramsbottom, from Bartlett, to cease doing that?

A. I would have to look up the memorandum.

THE COMMISSIONER: To cease checking the licences and so forth?

MR. HOGG: And stopping the cars, yes.

A. Yes.

Q. Would you read this paragraph. It is dated ---

THE COMMISSIONER: What is it he is reading

there?

MR. HOGG: This is a memorandum dated July 23rd, 1957.

THE COMMISSIONER: Let me see it.

MR. HOGG: Yes, sir. (Document handed to the Commissioner)

THE COMMISSIONER: Yes.

MR. HOGG: I wonder whether the witness could read that, Mr. Commissioner?

THE COMMISSIONER: Well, first of all, I want to get on the record what he is reading from.

MR. HOGG: Yes.

THE COMMISSIONER: It is a memorandum.

MR. HOGG: Over the signature of . . .?

THE COMMISSIONER: From whom?

A. Inspector Ramsbottom.

MR. HOGG: To Sergeant J. H. Hatch, Essex Detachment.

A. Yes.

Q. That is yourself?

A. Yes.

THE COMMISSIONER: Dated . . .?

MR. HOGG: It is dated July 23rd, 1957, "Re Army, Navy and Air Force Veterans Club, Township of Sandwich."

A. Yes.

Q. That is later on the Roseland Club?

THE COMMISSIONER: All right, now read it.

A. It says:

"Further to my memorandum on this
"matter of July 12th, 1957, dealing
"with a telephone call received
"from Assistant Commissioner Jas.
"Bartlett, we are now in receipt of
"a directive from the Commissioner
"which reads as follows:

" 'Confirming instructions
" received by this date from
" Assistant Commissioner J.
" Bartlett of this General
" Headquarters, dealing with
" the marginally-named subject,
" I wish to advise that the
" personnel of the Force under
" your supervision must be
" instructed to discontinue
" checking drivers and taking
" the names of occupants of
" vehicles entering the marginally-
" named premises.

" Periodical observations
" may be continued, and it is
" understood that if the results
" of such observations warrant a
" raid, appropriate action must
" be taken without further
" instructions from this General
" Headquarters.'"

MR. HOGG: Q. To your knowledge - first of all, were there any other similar instructions given by Bartlett?

A. Yes.

MR. HOGG: Possibly, Mr. Commissioner, would it be of any advantage if this witness, over the evening, were to go through his file, and then tomorrow he could deal with any memorandums relevant to this period?

THE COMMISSIONER: Something like that would save time.

MR. HOGG: Yes.

Q. Would you just leave that, then, for the moment?

A. Yes. I received a memorandum on August 28th, 1957, a memorandum to Sergeant J.H. Hatch.

THE COMMISSIONER: Dated what?

A. August 28th, 1957.

MR. HOGG: Q. From District Inspector Ramsbottom?

A. Yes.

Q. Re the club?

A. Yes, that is right.

Q. It is the same club as we are talking about?

A. Yes.

THE COMMISSIONER: Read it.

MR. HOGG: Yes.

"For your information and

"attention, please be advised
"that at 3.00 p.m., on Wednesday,
"August 28th, 1957, I received a
"telephone call from Assistant
"Commissioner Jas. Bartlett who
"advised that he had received
"information from a Mr. Pepper,
"Solicitor of the Attorney-General's
"Department of a complaint made to
"him by Mr. Herman, in behalf of
"the above noted Club and to effect
"that the Provincial Police of Essex
"Detachment had been picketting the
"Club.

" The Assistant Commissioner
"instructed that there was no change
"in the policy of dealing with the
"Club and that we should make certain
"that patrons to the Club
"were not stopped or questioned as
"they entered the Club."

A. That is right.

Q. These were the patrons that were entering through the ring of guards?

A. That is right.

Q. Now, during this period, did you receive a letter from Mr. Common telling of complaints that his Department had received of the police bothering the patrons?

A. I never received any correspondence

to my knowledge from Mr. Common.

Q. Do you know whether Inspector Ramsbottom did?

A. He could have. I know that the Commissioner told me that he had an awful lot of complaints and he didn't send them all down. He said, "If you had them, they would be that thick." (Indicating)

Q. These were complaints from gamblers?

A. I feel sure they were.

Q. They were not from citizens?

A. No, they were complaints about our actions against the club.

Q. By the gamblers?

A. Well, actually the people running the club were not gamblers.

Q. All right, the racketeers who were in the club and perhaps some of the patrons who would be gamblers?

A. That is right.

Q. Now, you have told us about a meeting that you had in Commissioner McNeil's office?

A. Yes, sir.

Q. Who was present at that meeting?

A. This is the meeting on what date?

Q. You told us that you saw Commissioner McNeil in regard to Inspector Stringer?

A. Oh. That was - I think that was on December 5th, if I am not mistaken.

Q. 1957?

A. 1957.

Q. And I think you have told us that you thought it odd that Inspector Stringer would drive down three hundred miles and wait around a couple of days to talk to you about your transfer?

A. Yes, that is right.

Q. But you had made it quite clear to your officers and your superiors that you were going to close down this club?

A. I was going to try.

Q. Who was present at that meeting?

A. The late Commissioner, Mr. Phelps, my District Inspector and myself.

Q. And you told the Commissioner of what Inspector Stringer had said to you?

A. He was already acquainted with the facts and then he requestioned me about it.

Q. And what did he say?

A. He was very unhappy and quite perturbed. It seemed as though ---

Q. To the best of your recollection, Inspector, tell us what he said.

A. He lost his temper - at least, I thought he did - not at me - in regards to Inspector Stringer. He said that he couldn't -

that the man had never made any arrangements or ever had met him on the weekend as described for any purpose whatsoever, that he had never been near him, that he couldn't understand him telling everybody that he was a personal friend of his - that is, the Commissioner - and that everybody knew Stringer from way back. Everything?

Q. Yes.

THE COMMISSIONER: I want you to tell me everything.

MR. HOGG: Q. As closely as you can recall what was said.

A. He said that he didn't know whether he should have been out of the district or not, that he was going to check his monthly report and see if he had permission to be out of the district, and then he got awful perturbed --- (Pause)

THE COMMISSIONER: What is the substance of what he said?

A. That he had salted a gold mine years ago.

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MR. HOGG: Q. "Salted a gold mine"?

A. Yes.

Q. This was Inspector Stringer?

A. Yes.

Q. Where was the gold mine?

A. I didn't ask. He said back north. Now, I presume he worked in Northern Ontario.

Q. And that he had known Stringer for some time in his activities? Is that the inference you got from what he said?

THE COMMISSIONER: Not the inference he got - what he said.

THE WITNESS: I took it he was very perturbed. In fact, there was no argument about that - he was perturbed - and that he felt that the man hadtaken liberties in using his name for a purpose that he had no way of accomplishing, and that, as he put it, he had known him for years and everybody knew him, and then he described - he didn't describe it - he mentioned him being in trouble and that at one time when he was back north he had salted a gold mine, and I recall also that after the Commissioner had more or less, we will say, cooled off Mr. Phelps was there and heard the conversation, and they asked me if I thought that this was a usual practice, and I said, ---

Q. What was?

A. Of me being able to be transferred by a District Inspector at his will to any given spot, and I replied that I didn't know anything about how they worked, that I had no knowledge.

MR. HOGG: Q. Inspector Stringer was talking to you about getting you out of the Essex area, having you transferred?

A. Yes.

Q. He mentioned something to you about a gambling boat problem in the Peterborough area on the lake?

A. That is right.

Q. Was there such a problem? Was there such a boat?

THE COMMISSIONER: Do you know?

A. Not from my own personal knowledge, no.

MR. HOGG: Q. Enquiries had been made in police circles?

A. It was alleged.

THE COMMISIONER: By whom?

A. I believe I spoke to Sergeant Anderson about it and that he said he had some knowledge of it. I believe I could stand corrected, but I believe that is where I got my information afterwards.

MR. HOGG: Q. Going back to your meeting with Curly Gardner, you have described ---

THE COMMISSIONER: Which one?

MR. HOGG: All right, sir.

THE COMMISSIONER: The one in the hotel?

MR. HOGG: Dealing with the one in the hotel that ended up in the Elmwood night club.

THE COMMISSIONER: The Elmwood.

MR. HOGG: That was September 11th?

A. Yes.

Q. You were trying to gain as much

information from him as you could?

A. Every bit.

Q. And he was presumably trying to pump you as well?

A. I don't think that his object was in pumping me. I think what he was trying to do was for me to gain confidence in him so that he could get me on his side.

Q. This is good police practice and accepted everywhere, is it not, that these characters talk more than they should for their own benefit, that if you get sitting down with them and have a couple of drinks, they give you information which perhaps later they and their friends wish they hadn't?

A. Yes.

Q. And that is what you were trying to do?

A. I was trying for all I could get.

Q. When you were talking about your wife and your family, you were trying to gain his confidence and "con" him along, if I might use that phrase?

A. I wouldn't want to use the term that I was trying to "con" him.

Q. Well,how would you describe it?

A. I was letting him do the talking, and I was trying to do the remembering.

Q. But you also had to do a bit of talking yourself to carry along?

A. Well, I think that when you refer to conning anybody you give them a big build-up and let them down, but I don't think that I tried to give him a build-up and let him think I was going to do everything for him, because he had to start somewhere and con me, but he knew I was not trying to con him.

Q. This question of this large ham that gave the impression, that was set up beforehand?

A. I have been in a lot of hotels and a lot of liquor lounges and I have never known anybody bring a ham to me before.

Q. And this was tried to be passed off, "Well, take the ham - this is just an accident", then you would probably be stuck with the gift of a ham that you had got out of these gamblers?

A. I would say that if I had taken the ham, I would be hooked.

Q. That you would be hooked?

A. That is right, or any of the other medications that he would get for me through his daughter.

Q. And this, in your experience as a police officer, is what these characters do?

A. Yes.

Q. They try to hook somebody in on something small and get them farther and farther involved, where, if anything happens, they are not in a position to report on them?

A. That is the way it usually starts.

Q. You told us something about the rather extensive intelligent service that these gamblers in the syndicate had and that they had gone back into your background?

A. Yes.

Q. And that the information they had was accurate?

A. I would say so.

Q. And this surprised you?

A. It did.

Q. The thoroughness of what they had done?

A. Yes.

Q. You found out later, you have told us, in connection with Macalone that there was some discussion about trying to discredit you?

A. Yes.

Q. Or, to use the term, "centre you on something"?

THE COMMISSIONER: I don't know what that means.

THE WITNESS: I never heard that expression.

MR. HOGG: Perhaps that is an expression that is used more often in Toronto than down in Essex.

A. Yes.

Q. When you met Mr. Rose ---

A. Yes.

Q. - you told us that at the end of the conversation he asked about two babes?

A. Yes.

Q. Now, without trying to insult them, did you regard that in the same way as you did the ham, that this was the same idea, that they were trying to get you involved in this manner? (Laughter)

A. The evening I had with Mr. Rose I paid the bills so that there would be no argument later.

Q. I am talking about the offer that you did not accept.

A. That is right.

Q. You had the impression that this was made in a jocular fashion?

A. No, I would say it was a deliberate attempt.

Q. Did Giacalone refer to that at all?

A. No.

Q. Did he appear to have any knowledge about it?

A. He knew about it.

Q. He knew about it?

A. But I didn't discuss it with him.

Q. Was it after the meeting on October 9th that a person purporting to be Scott Young called you?

A. Yes, the following day.

Q. And have you since learned that it was not Scott Young that called you?

A. It was not Scott Young who called me.

Q. That was the Scott Youngwith the Globe & Mail?

A. Yes.

Q. Who was a fairly well-known newspaper commentator?

A. Yes.

Q. He was not the man who made the other calls, either?

A. He was not.

Q. You found out who conveyed the information to this man who called?

A. I don't know.

Q. You have never learned this man's identity?

A. I never did.

Q. And when this man called you, was it apparent to you that he had some information of the decisions or the discussions that had taken place at the meeting on October 9th?

A. The only people, to my knowledge, that knew that I had attended a meeting in the Attorney-General's or the Commissioner's office were the people that were there. There was nobody in the County of Essex who knew where I had gone on that day.

Q. Inspector, was it apparent to you that when this man called you he was aware either of the meeting or of what had been discussed at the meeting, or of what had been decided?

THE COMMISSIONER: Just a minute, you are asking him to draw some conclusions.

MR. HOGG: Perhaps I can put the question this way.

Q. Did he make reference to anything that had transpired on the 9th?

A. Yes.

Q. And had you ---

THE COMMISSIONER: And what did he say?

A. He said that he had been in touch with Inspector Marsland and that there had been a meeting the day before and that at that meeting it was understood that I was ready to knock off the Windsor club.

Q. Marsland had not been ---

A. He had attended the meeting.

Q. Oh, yes, that is true.

A. Yes.

MR. HOGG: Q. Now, when you left that meeting, had you told anybody about it?

A. Nobody knew except the District Inspector and I.

Q. He was there?

A. Those were the only two people that knew where we had gone.

Q. You didn't tell anybody else?

A. Nobody, not even my own men that worked with me.

Q. Did you later ask any or all of the people who were at the meeting whether they had given this information?

A. No. What I did after I had received the first call was I called my District Inspector and I was in a perturbed way, and I asked him, "What's in the world with Marsland that he would go and tell Scott Young that we were at this special meeting and that I am ready to knock off the club" - and I was only a sergeant and he was my superior - and I said, "I think you had better get in touch with him", which my District Inspector did, and the result was that I have since that time talked to Marsland, and he was getting the same calls from the same person purporting himself to be Scott Young.

Q. So you tell us, it was not you and that Marsland had got the same calls?

A. Yes.

Q. Ramsbottom drove back with you?

A. Yes.

Q. Have any enquiries been made of anyone else?

A. I never made any enquiries.

Q. Bartlett --

A. I never made any enquiries.

Q. And Bartlett was at that meeting?

A. He was.

Q. Now, at one of these meetings you mationed that you ---

THE COMMISSIONER: Which one?

MR. HOGG: At the second one.

THE COMMISSIONER: One was October 9th and the other was October 18th.

MR. HOGG: The 18th.

Q. Was it at the October 18th meeting that you indicated that you had an informer whose life was in jeopardy?

A. Yes.

Q. When was that?

A. October 9th.

Q. The first meeting?

A. Yes.

Q. And that you didn't want to disclose his name to anyone?

A. That is correct.

Q. And you were apprehensive that if his name got out his life would be in jeopardy?

A. That is so.

Q. And I take it you would not have said such a thing in that meeting unless you certainly believed that?

A. I have every reason tobelieve that the only reason he appeared was that they didn't know anything about him.

Q. Apparently this apprehension of yours was accepted by the rest of the people there?

A. I thought so, except ---

Q. He was not laughed at or sneered at?

A. No.

Q. And it was not said that this was your imagination?

A. No, except that afterwards the Commissioner seemed to indicate that he thought I was putting the finger on him.

Q. That is what he thought, but it was not your intention to put the finger on him?

A. No, far be it.

Q. Because we have had some evidence about honourable criminals here, and these people really are not very bad, these gamblers, and the thought I got was that they don't go in for that stuff.

A. I know a man who made me a promise and kept it, so I thought he was quite honest.

Q. I don't mean in the way of keeping gambling debts/

A. No, I don't mean that.

Q. Did anybody from that club ever tell you that they were receiving advance warning of raids, or anybody connected with the club?

A. Well, Gardner always conveyed the fact that he knew we were coming.

Q. Yes.

A. And he would say - well, as much as to say, "Well, we expected you". In his own way - you have got to know this Curly Gardner to know what he is like. He is like a snake. You couldn't hang on to him for two seconds if you wanted to.

Q. I think the Commissioner has had that experience himself.

A. And he talks in a language that is supposed to be English and he is around the front and the back, and you have got to be real hepped when you talk to Mr. Gardner, but he would convey to me that before we got there he expected us.

Q. And did it appear, Inspector, that that was right? You have had a lot of experience in raiding these clubs.

A. Yes. There was an instance after this October 9th do. I am pretty sure that they knew there was something coming but they didn't know how much, and they held a meeting and obtained a liquor permit ---

THE COMMISSIONER: Whom are you talking about now?

A. The Roseland Club.

Q. "They" - you mean who?

A. The principals, which would be

Gardner and Finnegan and Giacalone and the rest of them.

Q. Yes.

A. And they had this meeting. Now, they never allowed any women in the club after I started to raid the club, and this particular night we were awaiting - we were all prepared to go ahead and have our raid and get it all over with when they would produce enough people to make it worth our while.

Q. To make it worth your while, you mean?

A. Yes. So that we were waiting and we devised a system by which our men on the outside would be able to tell us who were inside and how many were inside, and we wanted to make sure that when this occurred that certain principals were on the inside rather than on the outside, and this was all done bysignal, and I got this call that there was considerable activity, and I went by - I drove by, and to this day I can't tell you why, but I would say that maybe there were fifty or sixty people in it, and something - I don't know what it was - told me that that was not the night, and I refrained from taking any action, and following that night

(Page 4086 follows)

DD/5

I did receive a liquor banquet permit for that night for which they were holding some little special do for which they had this liquor permit, but unfortunately we didn't get it in time, although we didn't go in that night.

MR. HOGG: Q. Perhaps I could ask one question before we recess, Mr. Commissioner?

THE COMMISSIONER: Yes.

MR. HOGG: Q. You have told us about this man who said he was Scott Young?

A. Yes.

Q. Did you receive any other calls from any one other than this man who said he was Scott Young?

A. Oh, I would say that possibly I would receive one hundred calls. I received calls from people who wouldn't give you their names and who wanted to know what we were going to do at the club, and we used to have a regular customer from the club at Detroit, who would say, "When are you going to knock off the club?" They were quite blunt about it, and sometimes women would call and say, "I wish my husband wouldn't gamble there, he loses thousands of dollars. I wish you would knock off the club. When are you going to knock off the club?" It got to the stage where it was a nuisance because they were not legitimate and they wouldn't give their names.

Q. There was a question I referred to

earlier about a letter from the Attorney General in regard to the excessive bothering of the patrons of the club. Perhaps I should have asked you this. Have you a copy of a letter from the Attorney General's Department to the Commissioner?

A. No?

Q. Yes, I wouldn't have that.
MR A.

THE COMMISSIONER: Is that all?

MR. HOGG: Well, I will be a little longer.

THE COMMISSIONER: Well, I was thinking perhaps you might have concluded before we adjourned.

MR. HOGG: No.

THE COMMISSIONER: We will adjourn until to-morrow morning, then, at 10.00 o'clock.

---Whereupon the proceedings were adjourned at 5.15 p.m. until 10.00 a.m., Thursday, May 10,1962.

Volume 5

ICKLEA.

vs.

PLYMEK

Tues. April 24, 1962

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

Pages

Supreme Court Reporters
145 Yonge Street
TORONTO

FILE COPY VOLUME NO. ---- 20

ROYAL COMMISSION ON CRIME IN ONTARIO

Thurs., May 10, 1962.

Pp. 4088 - 4290

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

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- and -

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Supreme Court Reporters
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VOLUME 20

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THURSDAY, MAY 10TH, 1962

---On resuming at 10:20 a.m.

JOHN HORACE HATCH, recalled:

THE COMMISSIONER: Mr. Hogg, you had not quite finished?

MR.HOGG: Yes, I had a few more questions, Mr. Commissioner.

EXAMINED BY MR. HOGG(Cont'd):

Q. Inspector Hatch,during the course of your investigation, did you come across any correspondence in connection with the Belleville Flying Club?

A. Yes sir.

Q. And the Belleville Flying Club, I take it, was originally in Belleville, to the best of your knowledge?

A. To the best of my knowledge.

Q. And there was some correspondence from Feeley to Curly Gardner not only regarding expenses for gambling operations or apparatus - - -

THE COMMISSIONER: Now, wait a moment. Are you making a statement or asking a question?

MR. HOGG: I will rephrase it, Mr. Commissioner.

Q. So far as, first of all, the Belleville Flying Club is concerned, how did you come into possession of any documents in connection with it?

A. On the night of November 13th there was three raids.

THE COMMISSIONER: That is the night of the raid?

A. Yes sir. There were three raids on three different premises. There was the Roseland Club, the residence of Leo Finnigan and the residence of Curly Gardner. As a result of this raid certain documents were picked up, and following the trial the documents and other material had to be returned, but in this instance copies were made of three letters that were found.

MR. HOGG: Q. Inspector, have you copies of those letters with you?

A. I have.

Q. Would you be good enough to produce them. Now the first is a letter to Mr. Leo Finnigan, Esquire, dated February 8th, 1956 from the law firm of Harris and Rubenstein.

THE COMMISSIONER: Just a moment. Yes?

MR.HOGG: To Mr. Leo Finnigan, Esquire,

180 Central Avenue, Windsor, Ontario, and the address of Harris and Rubenstein appears to be the Temple Building, at 62 Richmond Street West. This letter was seized where?

A. In the home of Leo Finnigan.

Q. "Dear Sir, We have now had "a conversation with Mr. Ross and "his clients are definitely interested "in working out a transfer of the "charter of the Belleville Flying "Club.

" What will probably happen "after we inspect a copy of the "charter, is that we will arrange "for your nominees to be elected "members of the club, and then the "present members of the club will "resign. The next move will be to "hold a meeting and arrange for a "transfer of head office and, if "desired, a change of name, although "we do not think that the latter "matters too much.

" We have no idea precisely what "fees or disbursements will become "involved at the moment, but we would "suggest that you let us have at "this time the sum of $300.00 as a "retainer, and on account of our "current disbursements.

[illegible] Central Avenue, Hibbert, for
the address of Sonya and Shakespeare Gardens is
at the Temple Building, at 66 Crescent Street,
Hibbert. This letter was typed without
4. In the name of Our Tithelyte,
5. "Dear Sir, We have our 2nd
"a conversation with Mr. Hess and
"his clients are definitely interested
"in working out a transfer of the
"Shelter at the Salisbury Flying
"Club.
"Hess will personally inform
"Alfred at Longpre a copy of the
"letter, in case we will arrange
"for joint ownership to be placed
"members of the club, and then the
"present members of the club will
"resign. The next move will be to
"hold a meeting and arrange for a
"transfer of head office and, if
"desired, a change of name, although
"we do not think that the letter
"matters too much.
"We have no idea personally when
"Ever or Gildersleeve will become
"Liquidated at the moment, but we would
"suggest that you ask us here at
"their time the sum of $500.00 as a
"retainer, and on account of our
"charges, disbursements.

"As soon as we obtain a copy
"of the charter we shall be in
"touch with you further."

Now the next letter is February 15th, 1956 to the same individual from the same firm.

"Dear Sir,

"We have now received a
"copy of the charter of the Belleville
"Flying Club and find that there
"is nothing in the charter that
"would prevent the activities you
"propose, although the specific
"objects are closely limited to the
"art, science and practice of
"flying, aeronautics and aviation
"in general.

"We shall be pleased to have
"your further instructions pursuant
"to our letter of February 8th,
"last."

Now, Inspector, dealing with this sentence or part of a sentence

". . . and find there is nothing in
"the charter that would prevent the
"activities you propose . . . ."

Have you any knowledge of what those activities were?

A. I would have to draw an inference.

Q. Did you ever discuss this

matter with anyone?

A. No, I did not.

Q. Did you ever discuss with anyone any information you had concerning the setting up of another establishment in the Windsor area?

A. I just don't quite understand your question.

Q. Well, we know there is one club operating there at this time, the Roseland Club?

A. Yes.

Q. Was there any discussion or had you any information of any individual or group setting up another club?

A. I believe what you are referring to - I never had the direct information other than the fact that a certain building was being rennovated, and the windows were being all barred up, and my information was that - - - -

THE COMMISSIONER: Where did you get it? Are you at liberty to say?

A. I would like to keep it personal.

Q. Yes, all right.

A. That when the pressure got real hard on the club they would move their operation into this other building and they would be prepared.

MR. HOGG: Q. Now, did you have any

information about a connection between this charter which was being moved down from Belleville to the Windsor area?

A. No.

Q. But I suggest to you, Inspector, that you were on the look-out for some other charter that was going to come in probably from some other part of the country? That is what you would be expecting?

A. We would be expecting it and, again, opinformation received that they were in the market to buy up charters that were still in good standing throughout the Province for the purpose that when one would be cancelled they would be immediately available for another charter.

Q. It is like pushing a balloon: you push in some place and out pops something else?

A. Very good illustration.

Q. Then you have a third letter here or notes.

THE COMMISSIONER: Is it a letter or note?

MR. HOGG: Well, I would say it was a letter.

THE COMMISSIONER: Let me see it.

MR. HOGG: To Frank Gardner. This is a copy of a letter?

A. That is correct.

Q. Was it handwritten, Inspector, or can you recall at this time?

A. I recall it to be typewritten except that the name "Pete", I believe, was wrote in ink.

Q. Now, the place of origin appears to be Cooksville, Ontario, October 11th, 1957.

"Dear Frank - - -"

And this was found at?

A. In Frank Gardner's residence.

Q. Frank Gardner's residence.

" Just a few lines to give you the "details of those expenses of mine. "They were the rubber stamps, new "minute book and photostats of the "charter and Fire Marshal's orders.

" These articles were "purchased for eachof the three "places together, so I have just "divided the enclosed bills three "ways, which comes to $65.51, "leaving a balance for you of "$22.00.

" The pool cloth which you "received cost me $50.00 which I "do not have a receipt for as I "have done business direct. The "cane I won't charge you for as I "got them from the chief. I didnot

"pay him for them. If they need
"any in the future, we will straighten
"up them. This leaves a total
"of $22.00 and $50.00, $72.00 Canadian.
" Hoping these few lines will
"find everything well with you,
" Yours sincerely,
" Pete."

THE COMMISSIONER: Do you know anyone known as Pete?

A. Yes, Feeley.

MR. HOGG: Is that an alias that Feeley sometimes used?

A. He is known as "Pete" Feeley.

Q. What about the "chief"?

A. Well, from what I understand it would be McDermott.

THE COMMISSIONER: McDermott or Guarrella?

A. As far as I was concerned, in that area McDermott wasthe man.

MR. HOGG: Q. Was the "Chief"?

A. At that time, yes. I could be mistaken.

Q. Just to getthis on the record, new minute books and photostats of the charter, Fire Marshal's orders, those would be self-explanatory. Rubber stamps. Would those be stamps inconnection with the - - -

THE COMMISSIONER: What would they be, have you any idea?

A. No idea. The only suggestion I could make was that during the course of my investigations there the patrons did not have cards to show they were members, and as a result there did come out a card and I believe there was a stamp marked on it. I believe it was the secretary-treasurer or something signed.

MR. HOGG: Q. Did you ever find a stamp?

A. No, I did not. We could have, but we paid no attention.

Q. Now, the cane, what is the significance of a cane?

A. Well, in all big time operations of gambling establishments where the game of barbutt or crap is being played, there is what they call a "stick man" and a stick man has a cane which has a little hook on it so that he reaches out wherever the dice come to rest and hooks them back and placed them in front of the man who is about to roll the dice.

THE COMMISSIONER: That is a croupier, isn't it?

A. Same thing.

MR. HOGG: Croupier stick?

A. Yes.

Q. Similar to the one we have heard referred to in the brief?

A. That is right.

Q. Stringer brief?

A. That is right.

Q. And we have also heard about the significance of the pool table cloth?

A. Yes, there was a little rennovation. They had two pool tables . I think I should describe the operation of where the gambling tookplace. It was in two parts, and as youentered into the first part from the main entrance, whichwould be just like a ⸗ tunnel boarded up, you entered into a fairly large room that originally had tables that were plastic covered made into the form of regular card tables. Then behind that there was a large stand with a projector and film set, and in front of theprojector was a screen, and then it was off this room that the watchman stood in a cubicle to the outside of the building.

Then as you went through the partition and swing doors, on the other side was the large gaming room for dice, and they had originally two large pool tables, and during the rennovation and there was not as many customers, one of the pool tables was dismantled and laid aside and they rennovated the table at that time with a new cloth.

at that time with a new client.

MR. HOGG: I wonder, Mr. Commissioner, whether these documents referred to can be entered as exhibits?

THE COMMISSIONER: Can you fasten them together and make them one exhibit.

MR. HOGG: Documents seized at the time of the raid?

A. Yes sir. November 13th,1957.

MR. HOGG: Inspector, you told us about meeting - - - -

THE COMMISSIONER: Just a moment. Mark them 138 A,B,and C in the order in which they were referred to.

---EXHIBIT NO.138 A,B andC: Copies of letters seized in raid on November 13th, 1957.

MR. HOGG: Q. Now, Exhibit 136 was the follow-up report of the successful raid on the club, and the first report being Exhibit 135, December 3rd. Then this was your subsequent report on February 1st, advising your superiors of the outcome of the trial?

A. Yes sir.

Q. And this report was made out for whom?

A. My immediate superior officer, which was the district inspector, in turn to be forwarded - origin to be forwarded directly to Toronto.

Q. I notice, Inspector, that this is a lengthy report, eight pages, and I suggest to you that this is a more lengthy report than you would normally send in on the ordinary criminal occurrence?

A. Not necessarily so.

THE COMMISSIONER: You say not necessarily so?

A. No. It would all depend on what the criminal offence was and what was implicated.

MR. MCGG: Q. Now, on page 2 you quote extensively, in fact, three pages from thejudgment of his Worship Magistrate Hanrahan?

A. Yes sir.

Q. Not only quote from his judgment but refer to cases in some length that he in turn has referred to, decided cases from the Court of Appeal?

A. This is copied directly as it was submitted to me, from the Magistrate. I have a copy here.

Q. You refer to "a brief summation of the history of this type of offence . . ." this is the magistrate giving his judgment

". . . in this area was given in "this court in Rex versus Erdlyn "reported in 117 Canadian Criminal "Cases, on page 308".

Were you familiar with that case?

A. No.

Q. Or the history of it?

A. No.

Q. "'Citizens of this "community know that twice in a "comparatively short period official "investigations were held and "disclosed conditions existing "here in the operation of gaming "and betting houses that made "necessary a re-organization of "the police Commission and the "administrative staff of the "police department.'"

Then he goes on to deal with the situation that almost a complete break-down in law enforcement had occurred in that area at that time.

"The affinity between commercialized...."

THE COMMISSIONER: Is this something said by the Magistrate?

MR. HOGG: By the Magistrate.

THE COMMISSIONER: In the course of delivering judgment?

MR. HOGG: Yes sir.

"The affinity between commercialized "illegal gambling and the danger "of corruption of those required

"to prevent it is too well
"established to require stressing.
" One of the reasons
"professional gamblers in Detroit
"have to seek such establishments
"outside that city as shown in the
"trek of its citizens here"

The Magistrate is referring to Canada.

". . . is that still retained
"is the repressive influence
"created by the shock of having
"its superintendent of police and
"mayor sentenced to four years
"imprisonment for being in collusion
"with those engaged in the operation
"of suchplaces"

Pausing there for a moment, Inspector, in your discussions with the American authorities, I take it it would be well-known that the mayor and the chief of police went to their penitentiary for four years. Was that in connection with gaming houses and gambling operations?

A. I could not say. I was not acquainted with the case and it did not interest - -

THE COMMISSIONER: Well, from what municipality?

MR. HOGG: It is apparently from Detroit, Mr. Commissioner. Then I just want to refer to one more short paragraph on page 4 of the Inspector's report, Mr. Commissioner.

"living in this territory - - -?

THE COMMISSIONER: Just a moment, please.

(Page 4105 follows)

B/1/FL

HIS LORDSHIP: All right.

MR. HOGG: I just wish to refer to two more paragraphs, Mr. Commissioner. They appear on page 4 of the Inspector's report. Going on in the Magistrate's judgment, the reasons for sentence:

" 'Living in this territory
"it would be impossible for you
"to miss the continuing campaign
"carried on in their columns in
"the Windsor Daily Star by Mr.
"Clark and Mr. Hull to keep fresh
"the danger recognized from past
"history in such activities to
"the peace and security of this
"area.' "

Q. Pausing there a moment, Inspector. Was this newspaper, or other papers, or these columnists carrying on what might be termed a "campaign" and indicating that this gaming house was operating?

A. There was only the one newspaper in the Windsor area, it was the Windsor Star, and they carried on a continual campaign in their paper about, as referred to in that area as the Walker Road club, but it was actually the Roseland Club.

Q. Stating quite openly it was a gaming house and so known?

A. Yes.

Q. They were never sued for libel?

A. No. They made many insinuations.

Q. The last paragraph I want to refer to is this one:

"'As a reason for not
"sentencing you to a term of
"imprisonment, your counsel
"produced evidence showing you
"are suffering from a long-
"standing cardiac condition.
"It is difficult for a layman to
"conceive how the comparative
"quiet of a penal institution
"would be more of a strain upon
"your health than the stress and
"excitement of operating a big-
"time gambling establishment.
"However, there are medical services
"in our penal institutions. If
"it is found they are inadequate
"for the immediate requirements of
"a prisoner, there is authority
"to remove him to a hospital."

And, then, the Magistrate shortly thereafter sentenced them to twelve months imprisonment in each case. We have heard Frank Gardner was released after serving how long?

A. I believe that he was released on the 23rd day of April, 1958.

Q. And have you any knowledge of any medical treatment he has received since that time?

A. Yes.

Q. Has he been in a hospital for any long period?

A. You mean --

Q. After he was released.

A. Not to my knowledge.

Q. And has he been -- ?

A. Active?

Q. Active.

A. I would say quite.

Q. He is still alive?

A. Oh, very much so.

Q. Now, I see attached to your report, Inspector, are receipts, copies of receipts, of the money -- Have you copy of your report there?

A. Yes, sir.

Q. "Received from Sergeant J.H. "Hatch, Ontario Provincial Police, "the sum of Eight Thousand, Five "Hundred and Sixty Dollars, . . ." And signed for by Eddie --

A. Guarrella.

Q. Guarrella, G-u-a-r-r-e-l-l-a, otherwise known as "The Gorilla"?

A. Not to my knowledge.

Q. Then, a receipt from Max Snider for

$4,649.77, and from Vito Giacalone, $6,555. in cash?

A. Yes, sir.

Q. Now, Giacalone played what part in the physical operation of the club?

A. He was the boss on the scene.

B/2 Q. Was he on the scene, if not every night, almost every night?

A. That is correct.

Q. You told us your information was he had a piece of it amounting to 45 per cent. That is your information?

A. That is right.

Q. What part did Eddie Guarrella play?

A. Eddie Guarrella was, more or less, a banker. Eddie Guarrella, the nickname you used, "The Gorilla", is not correct. He is known more by his nickname than Guarrella. His nickname is "Broky".

Q. Broky. What part was he --

A. He was the continuous pal of -- was the pal of Billy Giacalone, the banker.

THE COMMISSIONER: Q. While we are on that: Giacalone has a physical disability?

A. Yes. Giacalone, when he was a very small boy, was run over by a motor vehicle and, as a result, he lost the first ten or twelve inches of, I believe it is, his left leg. It could be his right leg. But,

he has a wooden leg from the shin down.

MR. HOGG: Q. We know, then, that Giacalone was not gambling in the club to the extent he was rolling the dice and trying to win or lose, he was the boss?

A. Giacalone is not a gambler.

Q. When this money was returned to them, was that your idea?

A. Crown Attorney's instructions.

Q. You were instructed so to do?

A. That is correct.

Q. Was any application made for the forfeiture of that money?

A. I spoke to the Crown Attorney in regards to whether we would proceed and have the money seized, and he said no, under the circumstances we had been most successful in closing the club and it would mean another further trial within a trial to have the money seized and that the Americans would go all back to their part of the country and we were satisfied. I was quite satisfied.

Q. This money was part of the operation of the club, it was the bank?

A. Well, the money was on their person. Actually, you have to prove the money was within the game, which was going to be a little bit difficult. It was found in their pockets. It was not on a table.

Q. Talking to Giacalone at the later

he has a wooden leg from the knee down."

MR. MOORE: C. We know, then, that

Clarence was not available to the thief if he

chose to be selling the coin and buying an

egg or less, at the very least.

A. Clarence is not a suspect.

Q. That still would be relevant to

them, was that your view?

A. Yeah, already a discussion.

Q. And were they getting on the day

A. That to continue.

Q. Was any explanation made for the

inclusion of that memory?

A. I spoke to the Crown Attorney

to inquire to whether we would proceed and

have the memory watched, and he said no, seeing

the circumstances we had that wouldn't

be eligible and it would have become

defense could obtain a video to show the memory

wasn't as I had to say the memory

back to their part of the memory and we were

satisfied. I was quite surprised.

Q. [illegible]

conversations of the clerk, it was his memory?

A. Well, the memory was on tinsel

person. Normally, they have to prove the memory

was within the game, which was going to be a

[illegible] difficult. It was found in their

pockets. It was one of a kind.

Q. Looking to Clarence at the time

date you have referred to, you would be talking to him for approximately how long?

THE COMMISSIONER: On what occasion?

MR. HOGG: Q. On the occasion of March of this year.

A. Oh, three and a half hours.

Q. And he, as you have told us yesterday, was giving you some information, filling in some loopholes you wanted, or telling you something about who was who?

A. I would say he didn't know he was giving me information, in the way you phrase it. I was having a discussion with him and, during the discussion, I was gaining information from the conversation.

Q. And you had spoken to him on an earlier occasion in connection with the return of the money?

A. On December 31.

Q. Did he say anything about problems they were having in Detroit, or the amount of overhead they had, cost of running this gambling syndicate. Did he refer to any protection?

A. Well, I asked Giacalone about the time that I was approached about five hundred bills, and I asked --

THE COMMISSIONER: Q. From Trumble?

A. From Trumble. And I asked Giacalone, I said, "Tell me, what about this

deal about the $500?" And he said that Gardner came to him and told him that he could buy Hatch off for $500 a month, and Giacalone said, "If you can buy him for $500, see him and get rid of him." I asked him who the contact man was and he said, "I have nothing to do with that, other than the fact I told him to go ahead and pay".

MR. HOGG: Q. Was anything ever mentioned about cost of protection on the Detroit side?

THE COMMISSIONER: Now, just a moment.

THE WITNESS: I think --

THE COMMISSIONER: Just a moment.

Am I investigating the Detroit police department?

MR. HOGG: I am leading into something else, Mr. Commissioner. My next question would be: Was anything said about the relation of the protection on this side of the border?

A. $ Dollars and cents?

Q. Or relative to what it was over on the American side.

A. Again, you would have to know the lingo they talk and the way he did it. I could tell you what he said and you wouldn't understand me.

Q. I might. Would you try?

A. Yes. He said that McDermott had it all the way through.

Q. What would you take him to mean by that?

A. Myself?

Q. Yes.

A. He was fixed, he was all the way through, he had no problems.

Q. Was anything said by Giacalone about costing him more money on the American side than it did over here?

A. There was.

Q. Would you tell the Commissioner about that?

A. I think I would have to ask the Commissioner whether I should or not. It involves another country and it involves another police force, and I think --

Q. Just refer to this side of the border.

THE COMMISSIONER: Are you trying to guild the lily?

THE WITNESS: No, sir.

THE COMMISSIONER: No, I am not asking you; I am asking Mr. Hogg.

MR. HOGG: I think this would be of some significance. I am only concerned with what took place in the Ontario area, not in the States.

THE COMMISSIONER: Let us confine our attention to that.

THE WITNESS: Your question?

MR. HOGG: Q. Was anything said about the amount of any pay-off or what it cost them for protection on this side of the border?

A. On this side?

Q. Yes.

A. No.

Q. Before we leave Giacalone, just two more questions: What connections, if any, does he have in the States, to your knowledge, with the Mafia, or any other organizations?

A. I wouldn't know. The word "Mafia" is not used in the United States by officials.

THE COMMISSIONER: Q. That is a nasty word over there?

A. Very nasty. The term is "Syndicate".

MR. HOGG: Q. Syndicate?

A. Yes, sir.

Q. Does he have any connection with the Syndicate?

A. I would say that I wouldn't be able to positively say. But, you would have to take your answer, whether he was operating or whether he wasn't.

Q. Do you know what information the American authorities have as to that?

THE COMMISSIONER: Well, we might have the American authorities here; I am not sure.

MR. HOGG: Q. Was he not served a subpoena by the Kefauver inquiry in 1954?

A. Giacalone?

Q. Yes.

A. He was.

Q. In connection with wire services?

A. I don't know.

Q. Do you know a man by the name of John Linblad?

A. I do.

Q. Who is he?

A. A newspaper reporter for the Windsor Star.

Q. Did you ever have any conversations with him concerning the Windsor area?

I might ask, Mr. Commissioner, if you intend calling him. If so, I will not pursue this matter.

THE COMMISSIONER: I do not know whether we are going to call him or not.

MR. HOGG: Q. What conversation, if any, did you have with Mr. Linblad?

THE COMMISSIONER: Mr. Hogg, what is the purpose of that?

MR. HOGG: It is my understanding this man may have spoken to some gamblers from whom he got information.

THE COMMISSIONER: If you want Linblad called, call him.

MR. HOGG: Very well, Mr. Commissioner.

That would also apply, Mr. Commissioner: We will be making application to you or Mr.Wilson

to call Harry Radlin, Roger Lauzon, Norman Hull and also Arnold Pitts.

Q. One or two last questions, Inspector. Did you ever find any books or records from the Roseland Club?

A. Many.

Q. And have you those documents with you?

A. No, we had to give them all back.

Q. Did you make copies of any of them?

A. Yes. I made a copy of all their clients, I believe you would call it. They had a book and we copied all the names in it out into ours, in which they had all the people who were members of their club. It wasn't exactly a membership for, we will say, the Army, Navy and Air Force Club records, I don't believe. I believe it was just for their own knowledge of who were members able to come in and gamble.

Q. Was the charter on the premises?

A. It was.

Q. My memory may be incorrect, but I thought there was some evidence that Mr. Herman was going to bring down the charter of the club for the purposes of the trial. I stand to be corrected on that.

A. I could stand to be corrected, too. The night of the last raid, for some

unknown reason, nobody -- myself, I will say, never thought of the charter, and I understand since that it hasn't been found. That is, the old Army, Navy and Air Force Veterans of Canada, 327.

Q. The last question: Yesterday I asked you if you could look through your file of memorandums in connection with this case and see if there were any documents of significance.

A. Well, I don't know what you mean by "significance". There is -- You made reference yesterday to a memorandum or a letter from the Attorney-General directly to me.

Q. Yes. I was in error. I meant someone else, of which you had knowledge of it.

A. I found, in checking through, that I have a memorandum from a Sergeant Hope in our No.1 District Headquarters in the absence of the District Inspector, in which it refers to -- I will just have to lift this off again, if you do not mind.

Q. There was no comment or no letter -- covering letter from this?

A. This is the material that we received, this (indicating), this (indicating) --

THE COMMISSIONER: Q. "This, this and this" won't mean very much on the record.

A. I received the memorandum, here

(indicating).

MR. HOGG: Q. There was a memorandum dated November 26th, 1957, from a Sergeant E. Hope, who was writing for Inspector Ramsbottom, I take it?

A. That is correct.

Q. In regard to a complaint to the Commissioner, E.R. McNeil, from Mr. J.F. Gardner, and this complaint was directed against your officers who had conducted this raid.

I do not think that would be of any advantage, Mr. Commissioner, it would just clutter up the record.

I have no further questions, except I would like to have an opportunity to look through the file which the Inspector has on this club and, then, if anything appears to be relevant, to perhaps deal with it at a later time.

THE COMMISSIONER: There is no objection to that. I am sure Mr. Hatch will co-operate.

Any questions, Mr. Shime?

MR. SHIME: Yes, I have, Mr. Commissioner.

EXAMINATION BY MR. SHIME:

Q. Mr. Hatch, on October 9th I believe you had a meeting in Toronto with members of the Attorney-General's Department?

THE COMMISSIONER: That is certain.

MR. SHIME: Q. As a result of that meeting, was it ever suggested to you that the leak, or the supposed leak you suggested would be investigated?

THE COMMISSIONER: Q., That is what you had been trying to do for a long while, wasn't it?

A. I had been trying to find out where it was and I was unable to find where it was, and that is the reason I took it to the top.

MR. SHIME: Q. Did anyone from the top make any inquiries, to your knowledge, or try to investigate that?

THE COMMISSIONER: What do you mean by the "top"?

MR. SHIME: I think perhaps Inspector Hatch should explain what he means by the "top".

THE COMMISSIONER: You used the word.

MR. SHIME: He used it first.

THE COMMISSIONER: Let us not see whether the chicken or the egg came first.

MR. SHIME: Well, I mean the superior legal officers in the Attorney-General's Department.

CROSS-EXAMINATION BY Mr. Jones.

Q. Mr. Jones, on October 9th I believe you had a meeting in Toronto with members of the Attorney-General's Department?

THE CHAIRMAN: Does it matter.

MR. SHINE: Q. As a result of that meeting, did it ever happened in any case in Ontario, or the supposed Lord Jim accomplice?

Control of Investigation?

THE CHAIRMAN: Q. Just to whom you had been trying to do for a long while, somebody's the

A. I had been trying to find out where it was and I was unable to find where it was, and that is the reason I took it to the Cops.

MR. SHINE: Q. Did anyone from the top make any inquiries, to your knowledge, or try to investigate that?

THE CHAIRMAN: What do you mean by the "top"?

Q. SHINE: I think perhaps Inspector Watson should explain must be means by the "top".

THE CHAIRMAN: You used the word.

MR. SHINE: He used it first.

THE CHAIRMAN: Let us not see whether the chicken or the egg came first.

Q. SHINE: Well, I mean the Attorney-General's Department.

A. The only answer I can give is that at a later date the Commissioner told me that there was a leak. So that I took it, from what he told me, although no names were mentioned, that something must have been done.

MR. SHIME: Q. I would like to go back to the sequence of events. There were two changes in policy, as I understand it: One in April and one on October 9. Is that correct?

A. I would say yes.

Q. And you have told us about the change in policy in April, and at that time you indicated that your detachment would be looking after the investigation of the Roseland Club?

A. That is correct.

Q. Now, after that did Mr. Trumble approach you or did he approach you before that time?

A. I would say it would -- I would say it would be in that month of April. I made no record of it but I would say it was within that month of April.

Q. You could not tell us, then, whether it was before your meeting to change the policy or after the meeting to change the policy?

A. You are referring to two policies,

A. The only answer I can give is that at a later date the Commissioner will be well aware of it. He knows I have it, from what he told me, although no reports have materialized, from yesterday even [illegible] know.

MR. SMITH: Q. I would like to go back to the sequence of events. There were two changes in policy, as I understand it: One in April and one on October 3. Is that correct?

A. I would say yes.

Q. And you have told us about the change in policy in April, and at that time you indicated that your detachments would be leaving after the investigation of the Beaulieu trial?

A. That is correct.

Q. Now, after that did Mr. Breslin approach you or did he approach you before that time?

A. I would say it would -- I would say it would be in that month of April. I made no record of it but I would say it was within that month of April.

Q. You could not tell us, then, whether it was before your meeting to change the policy or after the meeting to change the policy?

A. [illegible]

which one?

Q. I am referring to the April policy where you took over with the Essex detachment.

A. I would say that the approach was made during the month of April, 1957.

THE COMMISSIONER: Q. Was that after the change?

A. The change took place approximately the first day of April. I haven't a copy of the memorandum here.

Q. So, the approach would be made to you after it had been decided that the Essex detachment --

A. I would say yes.

MR. SHIME: Q. Did you associate Mr. Trumble's approach with the change in policy at that time?

A. No.

Q. Following the sequence of events, you were approached by Mr. -- by Inspector Stringer in August of 1957. Is that correct?

A. That is correct.

Q. Were you approached by Inspector Stringer before or after the murder of Mr. Atwood?

A. Before.

(Page 4121 follows)

C/1/ADO

Q. Mr. Atwood, I believe, was supposedly murdered on August 30th?

A. 30th, 1957.

Q. As a result of information you received at that time, you went to the Roseland Club to investigate the possible murder; is that correct?

A. No.

Q. I think you Ntold us you had spoken to Mr. Gardner in September about the murder of Atwood?

A. I went to the club to assist another force with information that would be obtained from thatclub.

Q. Why did you go to that club?

A. Because the dead man had been a member of the club.

THE COMMISSIONER: Q. And last seen at the club?

A. Yes.

MR. SHIME: Q. Now, at a later stage you had thebrother of Mr. Atwood, and he testified at the hearing of Gardner, at the hearing that was the result of the November 13th raid; is that correct?

A. That is correct.

Q. Was one of the reasons for his testifying, that he wanted to get even for the death of his brother?

THE COMMISSIONER: Now, just a moment.

Q. Mr. Atwood had certain information that was essential iproving the case against the club?

A. I would say that possibly both interests. That he had aninterest in trying to solve his brother's murder and he was also going to put the club out of business.

MR. SHINE: Q. Were those two interests related?

A. I would have to say - - I would say, I could say yes. Because he was going to the club, and shortly after he had been at the club, his body was found in Pontiac, Michigan, with a bullet in the head. And I mean by "shortly after", several days.

Q. Now, yousay, Inspector Hatch, you had a meeting on October 9th and subsequently you received phone calls from someone who was supposed to be Scott Young; is that correct?

A. That is correct.

Q. Now, when did you have your next meeting? Was that on October 18th? Your next meeting?

A. Yes sir.

Q. Was that October 18th?

A. Yes sir.

Q. And when did Inspector Stringer contact you? Was it shortly after the second meeting on October the 18th?

A. I believe the date was around

October the 30th. I can fix the date by the mere fact that if October 30th is on a Thursday, then it would be the 30th. If Thursday was on the 29th, then it would be the 29th. The day was a Thursday. The Pelee hunt is on Wednesday and Thursday, and it was the second day of the hunt.

Q. There were certain officials who were at the October 9th meeting, who were not at the October 18th meeting; is that correct?

A. That is correct.

Q. Who were those officials? The officials that were not at the October 18th meeting, that were at the October 9th meeting?

A. At the October 18th meeting there was my inspector.

THE COMMISSIONER: Q. Those who were not there. Bartlett was not there?

A. Bartlett was not there. Marsland was not there. Hand was not there. Mr. Common was not there. Anderson was not there, and I believe that covers it.

MR. SHIME: Q. Did any of those five people have access to the report that you were sending in, prior to October the 9th?

A. I am unable to answer the question.

THE COMMISSIONER: Q. You sent your report to Ramsbottom at Chatham, and who saw

them after that, you don't know?

A. I have no idea. I presume, but I don't know for certain.

MR. SHIMM: Q. You were, you say, investigating a possible leak; is that correct?

A. No. That would be an investigation entirely of itself. I was trying to prevent this leak overtaking our investigation. The leak we knew, or I supposed that there was a leak, but where, I did not know, and I was trying to prevent that from overtaking our investigation.

Q. What did you understand from the comments that the Commissioner made about salting a gold mine?

THE COMMISSIONER: Now, just a moment. What difference does it make what he understood?

MR. SHIMM: That is all.

THE COMMISSIONER: Have you any questions, Mr. Wilson?

MR. WILSON: There is only one point I would like to clear up, Mr. Commissioner.

There has been reference to a memorandum of July 23rd, 1957, and by comparing that memorandum, as it was read into the record, with Exhibit 76, which was introduced while Commissioner Clark was in the box, and which

is referred to in evidence at page 1290, I find that this memorandum is an exact duplicate of the ones that we sent out to the districts.

Q. What district is Cooksville in?

A. That would be in Number 5.

Q. To 5 and 4. 4 being in Bertie -- embracing Bertie Township. So that was the type of memorandum that went to all three districts where these extra gambling establishments were situated. I would like to file, as an exhibit, however, a memorandum of August 28th, 1957, which the witness has produced.

And is this the original of District Inspector Ramsbottom's memorandum of August 28th, 1957?

A. Yes sir.

MR. WILSON: That will be Exhibit 139.

---EXHIBIT NO.139: Memorandum of Inspector Ramsbottom dated 28th August, 1957.

MR. WILSON: I take it that Mr. Rose hasn't any questions?

MR. ROSE: yes, I have a few questions.

THE COMMISSIONER: Thank you. Mr. Rose, I had forgotten about you.

MR. ROSE: I am hiding in the back row, here.

EXAMINED BY MR. ROSE:

Q. Mr. Hatch, when Mr. Hogg was examining you, you mentioned or intimated you had some knowledge about medical treatment being given to Frank Gardner?

A. I wasconfused. I thought he referred to a medical certificate that was made out at the Mimico Reformatory.

Q. Well, do you have any knowledge of any medical treatment given to Frank Gardner at Mimico Reformatory?

A. I have a document here that was a photostatic copy.

Q. Have you found that, Mr. Hatch?

A. Yes sir, I have.

Q. Will you tell us what it contains?

A. It is a form from the Department of Justice, remission services, report to custodian, superintendent, and in reference to a John Francis Gardner, inmate number 51950, and is dated November the 7th, 1958.

Q. What does the medical certificate say? Is there a medical certificate attached to it?

C/2

A. I would say that it is a form letter with parts typed in. It says:

"Medical officer's report of
"physical and mental condition
"of inmate. This man is an advanced

"diabetic and with cardiac symptoms
"and we arefinding it impossible to
"control his disease under our
"present conditions. I believe we
"are dealing with a dangerously
"ill individual."

And then in the next little column it says:

"If ill please state(a) whether
"further confinement is likely to
"be fatal."

And typed in, is:

"It could be".

And it is circled. And under that is (b).

THE COMMISSIONER: The document will speak for itself.

MR. ROSE: I think so. I wonder if I could have that filed as an exhibit?

THE COMMISSIONER: Yes.

THE WITNESS: There is two documents.

THE COMMISSIONER: Attach them.

THE WITNESS: Yes.

---EXHIBIT NO.140: Form in reference to John Francis Gardner, inmate, dated 7th November, 1958.

THE WITNESS: Do you want the other one?

MR. ROSE: Q. Yes. What is it?

A. A letter from A.J.MacLeod.

Q. Let me just see that.

A. (Produced)

Q. The next document produced by the witness, Mr. Commissioner, is a document from the Department of Justice, Remission Services, dated April 30th, 1958, marked "Confidential" to Magistrate Hanrahan from A.J.McLeod, Director of Remission Services, setting forth why a ticket of leave was granted to Gardner. It was on medical grounds.

---EXHIBIT NO.141: Document dated 30th April, 1958, to Magistrate Hanrahan from A.J.McLeod.

THE COMMISSIONER: From the Director of Remission Services?

MR. ROSE: Yes.

Q. You have another document, Mr. Hatch?

A. I have.

THE COMMISSIONER: Just a moment, please.

THE WITNESS: That is a photostatic copy. (Produced)

THE COMMISSIONER: Yes.

MR. ROSE: The witness is producing another document, Mr. Commissioner, dated April 14th, 1958, written by a Dr.Noble to Mr. Griffin, Superintendent of the Ontario Reformatory at Mimico, in respect to John Francis Gardner.

THE COMMISSIONER: What is the Doctor's name?

MR. ROSE: The doctor's name is

Noble, sir.

THE COMMISSIONER: And addressed to' whom?

MR. ROSE: Addressed to Mr. E.Griffin, Superintendent, Ontario Reformatory, Mimico.

THE COMMISSIONER: All right.

MR. ROSE: This is a statement as to Gardner's physical condition. The last sentence being: "further incarceration from a "medical standpoint is not only "most unwise but precarious."

I wonder if I might have that marked?

---EXHIBIT NO.142: Letter dated 14th April,1958, to Superintendent of the Ontario Reformatory at Mimico from Dr.Noble.

Q. Now, Mr. Hatch, you have been stationed in Windsor for what length of time?

A. I arrived in Windsor on June the 1st, 1955, and I left Windsor on November -- the last day of October, 1961.

Q. I believe you told us before, but where were you stationed before you went to Windsor?

A. Marmora, from 1938 to, I believe, 1940. Belleville from 1940 to 1942.

Q. I am only interested in just prior. That was Marmora?

A. Marmora, Belleville, Kingston, Madoc and Windsor.

Q. Now, when did you first meet

this Corporal Shrubb of the Anti-Gambling Squad?

A. When I first met him?

Q. Yes?

A. I couldn't tell you.

Q. Well, was it five years ago? Ten years ago? Let me put it to you this way. Did you know Shrubb when he was stationed in Chatham, Ontario?

A. No, I did not.

Q. You didn't know Shrubb in Chatham?

A. Not to my knowledge. I may have met him but I don't recall it.

Q. Did you have any dealings with Shrubb, in connection with efforts to close up the Roseland Club?

A. I never was with Corporal Shrubb on an investigation where we were both together, other than sitting in a car making - - having a discussion.

Q. I was referring - - what I had in mind particularly was prior to April, 1957. It was my understanding the anti-gambling squad was carrying the main load of the investigation into the Roseland Club?

A. That is right.

Q. Do you recall Corporal Shrubb being down there at all with Sergeant Anderson, at all, in respect to the investigation?

A. Not to my knowledge.

Q. So, would it be fair to say, insofar as your contacts with Corporal Shrubb are concerned, they were very few?

A. I would say yes.

Q. Now, I believe you told us that at the time of a meeting at the Attorney General's Department that Commissioner McNeill took from your attitude, wrongly, that you were ineffect, accusing him of leaking information from the Ontario Provincial Police Headquarters?

A. That is true.

Q. And he was a little upset about it, but that subsequently he said to you that he did then realize there was a leak because of the fact that, evidently, a large raid was being made on some establishments in Hamilton, Ontario, and when they arrived there they found they were, in effect, ready for them?

A. I didn't say in Hamilton. I said in the Hamilton area.

Q. All right, in the Hamilton area.

A. I don't know whether they were.

Q. Were those raids made by the Anti-Gambling Squad?

A. I don't know.

Q. You have no idea of the personnel in these raids at all, or who was directing them?

A. No sir.

Q. Now, that is when this conversation took place, was it not, concerning Inspector Stringer from Number 8 District headquarters?

A. That is correct.

THE COMMISSIONER: That was when? What do you mean by that?

MR. ROSE: At the same time he was talking about the abortive raid in Hamilton.

THE COMMISSIONER: All right.

THE WITNESS: Yes sir.

MR. ROSE: Q. And one of these things Commissioner McNeill - - he is dead, by the way?

A. Yes.

Q. Was there anybody else present when you were having a discussion with Inspector McNeill?

A. Yes.

Q. Who was present?

A. My district inspector.

Q. Mr. Ramsbottom?

A. Yes. Was anybody else present on which occasion?

Q. On the occasion he told you about the abortive raid in the Hamilton area?

A. I would say, in all fairness, Mr. Phelps and District Inspector Ramsbottom, we

were in the room and we all - - I would like to be able to qualify this, because it could have happened. It seemed to me as though I was called back into the room. We left and we were leaving and yet again, it could have happened, it was in their presence.

Q. I see.

A. It seemed, when I recall the meeting, everything quietened down and things got back into a normal conversation, and it seemed to me as though we were either walking out of the room and he called me back.

Q. Well, I don't think it is too important.

A. I amtrying to be exact on it and I just can't .

Q. In any event, was it at that time that he spoke to you about Stringer having got in trouble some years before, about salting a gold mine?

A. It seems to me - - -

Q. Did he use the words "got into trouble", at all, or words to that effect?

A. Ithink the phraseology was that he was - - had been in trouble wherever he went.

Q. I am more particularly interested in the gold mine trouble. Did he indicate to you that was some years before,

when Stringer was previously stationed up north?

A. He didn't mention. He just said when he was up north.

Q. Did he mention at that time how many years ago it had been?

A. He did not.

Q. Did the conversation indicate it was quite some time ago?

A. Yes sir.

Q. When I say "quite some time ago", I mean a few years before?

A. Immediately it was said, I judged maybe 15 years.

Q. You judged maybe 15 years?

A. Just as a matter of length of time.

Q. Now, I gather from your evidence yesterday, that prior to April of 1957, that all investigations in connection with the Roseland Club came to really nothing. No arrests were made and no charges laid. Is that correct?

A. You mean in previous years?

Q. Up until April of 1957. Let us deal with that period first.

THE COMMISSIONER: From the time you went down there?

A. From the time I had arrived in 1955, there had been no arrest. No charges.

MR. ROSE: Q. Between 1955 and 1957,

would it not be fair to say your officers had gone into that club on numerous occasions?

A. Yes sir.

Q. How many times in the three year period?

A. I would say 12, 13. I can stand to be corrected on it.

THE COMMISSIONER: We had a document here the other day and I don't think it was entered as an exhibit.

MR. WILSON: It was, Mr. Commissioner.

THE COMMISSIONER: It was?

MR. WILSON: Yes, it was. 134, I think.

THE COMMISSIONER: Oh, yes, that is right.

Q. You went there what dates, Mr. Hatch?

A. In June, 1955.

THE COMMISSIONER: All right.

MR. ROSE: Q. That would be approximately, I believe you said 12 or 13 times?

A. It could be 10.

Q. All right. Then in addition to that, I would suggest to you that you had officers stationed outside of the premises, making observations?

A. Constantly.

Q. Constant observations. And I would then presume in April, 1957, you would welcome a change of policy, whereby the absolute

direction, in respect to this club, would be left primarily in your hands?

A. No.

Q. Not primarily in your hands?

A. No, I didn't welcome.

Q. You didn't welcome it?

A. No.

Q. Whether you welcomed it or not, that was the fact?

A. That was the fact, yes.

Q. Did you ask for it to be left primarily in your hands?

A. No, I did not.

Q. Whose suggestion was it?

A. My district inspector.

Q. That is Mr. Ramsbottom?

A. Right.

Q. I understand just prior to this time or for some two years, that this Roseland Club had been a thorn in your side, due to the fact that the public knew it was open and it was running, and as you told us, when your officers stopped people for speeding or whatever it should be, that the public were giving you a pretty tough time?

A. That is correct.

Q. And giving your officers a tough time?

A. Yes, and the newspapers were giving us a tough time.

Q. As a matter of fact, as I took downyour evidence yesterday, in fact, members of the public had heard rumors where you or your officers, or some of them, were on the take and the fix was in, as far as the club was concerned?

A. That is right.

Q. That is right?

A. That is right.

Q. No doubt about it, in the period of 1956 and 1957, that in the Windsor area there were rumors of improper conduct on the part of yourself and your fellow officers inthis regard?

A. No, not on myself. It was just a general conversation. But my name was never mentioned.

Q. Well, I was talking about the O.P.P. detachment there?

A. Yes.

Q. And you were part of the O.P.P. detachment?

A. Oh, yes.

THE COMMISSIONER: What do you mean by "improper conduct", Mr. Rose?

MR. ROSE: Just what I put to the witness. He gave evidence yesterday that the public were giving his force and his officers a tough time because when they were being stopped or arrested, or stopped, in any event, they would

say: "Why stop me? Why don't you go and close up the club?" and I took the witness to say that the members of the public were saying that the members of the detachment were on the take and getting money from members of the club. That is the improper conduct I was asking about.

THE COMMISSIONER: Is that what you were asking about?

MR. ROSE: Yes.

Q. To go back. There were rumors or thoughts among the public that your improper conduct - - -

THE COMMISSIONER: That type of improper conduct. I know what you are leading up to.

MR. ROSE: I don't know whether you do or not, sir.

THE COMMISSIONER: Q. What do you say?

A. In answering your question, and in all fairness to you, what you are implying is that this was every time we turned around, that the people would say this. That is not so.

Q. I am not implying any such thing. You are giving the evidence.

C/A A. I am implying many times motorists, when they are stopped, local motorists, would infer that we should take more time and look after the Walker Road Club

than them. There were articles, to the best of my knowledge, written in the Windsor Daily Star, in which the implication was that an operation of this type could not operate without protection.

MR. ROSE: Q. Yes. Well then, you agree with me, there were not only rumors but articles with the innuendo?

A. Yes.

Q. That there was improper conduct. This is the type of improper conduct on the part of your detachment?

A. Not in the way you are putting it.

Q. All right. May I ask you this? As a result of the reports you had from your officers, about what the members of the public were saying about you or certain members, and because of what was published in the Windsor Star, would it be fair to say you were not happy about it?

A. I would say it was not a case of being happy or unhappy, it was a case that there was a job to do and it had to be done.

Q. You mean to say you were completely cool in regard to these innuendoes and gossip?

A. They affected me to a degree.

Q. You were slightly disturbed about

them, were you, Mr. Hatch?

A. I can assure you it affected me to a degree.

Q. Do you know what the expression of "patch" means? Or you refer to a person as "the patch"?

A. I heard the expression when I came to Toronto headquarters, here. I never knew what patch was before.

Q. Where?

A. When reading an article about a trial in which one of the members of the force was on, in which there was mention of two officers had patches in Niagara Falls.

Q. You just heard about this expression recently?

A. That was the first time.

Q. You never heard of rumors in the Windsor area where you are jokingly referred to as Hatch the patch?

A. No.

Q. I say, jokingly referred to?

A. No, I never did.

Q. In April, 1957, there was a slight change in policy and you, through the influence of the District Inspector, were charged with closing the Roseland Club, if you could possibly?

A. That is correct.

Q. If the evidence warranted it?

A. Yes.

Q. Did you then resume your raids on the club?

A. We put a man on to observe the club nightly, and I would say that by the end of April the club was closed.

Q. By the end of April?

A. I would say approximately that by the end of April the patrons quit coming to the club.

Q. And then subsequently, certain instructions were sent to you through channels, that you were to stop the picketing?

A. There was, yes.

Q. Outside the club, and stop taking license numbers?

A. Yes.

Q. And so on and so forth. And Frank Gardner, in conversation with you, as I recall it, said words to the effect: "Do you receive your instructions signed"?

A. That is right.

Q. Did it not turn out later, the reason you received your instrustins was because of certain complaints made by Mr. Louis Herman?

A. Mr. Herman did make a complaint.

Q. I believe one of the memoranda that were sent in, mentioned instructions had come

from Mr. Bowman of the Attorney General's Department, evidently at the complaint of Louis Herman?

A. That is right.

Q. Did you not know, as a fact, that Mr. Louis Herman did certain work in connection with the charter of the Roseland Club, and that Gardner, to all intents and purposes, was a client?

A. Up to that time it was strictly rumor, as far as I was concerned.

Q. If Mr. Herman had them as a client, you are not surprised to know, when Gardner was in there, that instructions would be coming to cease the picketing?

A. Maybe, if you knew Gardner, he would tell you he knew everybody, as far as he was concerned. You would have to accept what he would tell you.

Q. In any event, Mr. Herman was acting for the club and helped to obtain the charter for the club?

A. At the time the Fire Marshal came in, I knew Mr. Herman was connected with it.

Q. When was the Atwood chap murdered?

A. August 30th.

Q. August 30th, 1957?

A. August 30th, 1957, yes.

Q. And the raid on the club which resulted in the laying of the charges, took place on November 13th, 1957?

A. Yes sir.

Q. That would be about twelve weeks, approximately, after the murder of Atwood?

A. Yes.

Q. Now, after the murder of Atwood, when was the first time you spoke to Atwood's brother? The one who gave evidence at the trial?

A. The first time?

Q. After Atwood's murder. The murdered Atwood, what was his first name?

A. It was Egrl. I believe he was Earl. I may have got the two mixed.

Q. There is Ray and Earl. One deceased and one alive.

A. That is right. I think Raymond -- now, you got me confused, too. I would have to look it up.

THE COMMISSIONER: Just call himthe deceased Atwood.

MR. ROSE: Q. Then, perhaps, that is the answer.

A. Raymond was the deceased.

Q. Raymond was the deceased. Raymond suddenly became deceased on August 30th, 1957?

A. Yes.

Q. When was the first time, after August 30th, 1957, you had spoken to his brother? The brother that gave evidence at the trial?

A. You mean approximately?

Q. Surely. I know it is a long time ago. I know you couldn't remember the exact date.

A. I would say in the month of September.

Q. Do you recall, was it early in the month or late in the month of September?

A. If I am accurate in what I am saying, it would be the latter part of September. It would be closer to the latter part than it would be to the first part.

MR. ROSE: Mr. Commissioner, I may be some little time yet, if you were planning a recess.

THE COMMISSIONER: Well, we will go ahead for another ten minutes.

MR. ROSE: Q. So it was in the latter part of September, 1957, you spoke to the brother. Had you everspoken to him before?

A. A meeting was arranged for me to see the brother through the United States officials. The police officials.

Q. That was the meeting at the

end of September?

A. I would say it was in September. I could be wrong, but I am trying to say it was close to September.

Q. And at the time of the murder of the deceased Atwood, were you aware of the fact that he had been in the club, evidently a member there, and gambled at the club?

A. Before his death?

Q. At the time of his death?

A. At the time of his death Ididn't know a thing about it until I was informed several days later by the officials on the other side of the border.

Q. And at the time you were informed, were you also informed he had a brother that went to the club?

A. Oh, yes.

Q. And would it be fair to say then, youdecided you would like very much to speak to the brother?

A. That is quite sure.

Q. You did then. Did you not, with a view of gx trying to get him to give evidence inrespect to the club?

A. When I first spoke to him I didn't know what reception I would get, and I talked to him about the club to find out how the workings on the inside of the club was performed, and I was advised. I had asked

him if he would attend at some future date if there was a trial, and he said that he would.

Q. Well, that is what you wanted him to say. That is why you went to see him first-hand, or arranged an appointment?

A. Not that I wanted him to say, that I would like to hear him say.

Q. Would it not be fair to put it this way? That your burden of achieving a conviction against this club might be made less onerous if a person like the Atwood brother, was prepared to give evidence?

A. That is correct.

Q. Allright. Now, when he consented or said he would give evidence, did you suggest to him at that time at all that he reallyshould give the evidence because the people who ran the club were the ones behind the murder of his brother?

A. No, I didnot.

Q. You did not. Did he feel these persons who ran the club were behind the murder of his brother?

A. He felt there was a connection.

Q. He felt there was a connection. He did not disclose why he felt that there was this connection?

A. He did.

Q. Why did he feel there was a

connection?

A. Hefelt his brotner had won a large sumof money and nnd been followed over there and shot.

Q. Wasn't the shooting several days after the time he won the money?

A. I don't know.

Q. Ithought that is what you said this morning?

A. He was found dead on August 30th, and it seems to me that I, in talking to him, and the autopay report was that the man had lived for some considerable time after he had been shot.

Q. When did your investigation disclose that he was reputed to have made the $40,000 at the club? What date?

A. Did I say $40,000?

THE COMMISSIONER: No, no one has so far, except you.

MR. ROSE: It is said by Mr. Wintermeyer in Exhibit 2.

MR. MacKINNON: 20,000.

MR. WILSON: He doesn't say 40.

MR. ROSE: Q. In any event, it is still a large sum of money. Did your investigation disclose when he was supposed to have won that sum of money at the club?

A. No.

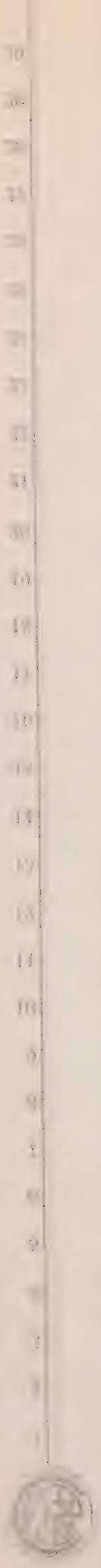
Q. It didn't?

A. No.

Q. Therefore, for all you know, evidently it was several days after that he was killed. Is that a fair way of putting it?

A. Yes.

(Page 4150 follows)



THE COMMISSIONER: As far as you are concerned?

A. As far as I am concerned, I didn't know the man.

MR. ROSS: Q. Now, this gentleman Trumble.

A. Yes.

Q. I believe he spoke to you in April of 1957?

A. Yes.

Q. And he wanted you to accept $500 a month to leave the club alone?

A. No.

Q. What did he speak to you about?

A. He came to seem me. He asked me if my office was wired, and I told him no. He wanted me to go out and go in a car so that we would be alone. I assured him there was no necessity of doing that, that we were quite alone in the office, and he said he had been approached and he had been asked if he would come and see me and offer me five hundred bills a month.

Q. $500 - five hundred bills?

A. I said, using his term, "five hundred bills a month," and I asked him what it would be fxxx for, and he said it was just to let them know when a raid was going to be, and I told him that as far as I was concerned I would rather do business direct, and he said, "Well,

I have done my job", and he left.

Q. Was there anyone else present when this conversation took place?

A. Which?

Q. Was anyone else present when this conversation took place?

A. No.

Q. You didn't at that time endeavour to charge him for attemptdd bribery?

A. No.

Q. Had you ever seen Trumble before that time?

A. Yes.

Q. Have you ever gone hunting with him?

A. Yes.

Q. Where did you go hunting?

A. Peach Island.

Q. Which island?

A. Peach.

Q. Peach Island?

A. Yes.

Q. Is that pheasant hunting?

A. No, duck.

Q. Duck?

A. Yes.

Q. How long have you known him?

A. I would say that I have known him - that would be in April, and I had been there from the June previous, and I would say that I

had known him for at least six or seven months.

Q. Was he a personal friend?

A. No, he wasn't.

Q. When you went duck hunting with him, were there other people along with you?

A. He was working for a friend of mine.

Q. Who was the friend?

A. My friend?

Q. That he was working for?

A. Mr. Baker - John Baker.

Q. What did he do?

A. At the present time?

Q. What did he do then?

A. He had a large job in the City of Toronto. I think he was the head man for Adams Distillery in this area, and that included that area.

Q. Was Mr. Trumble a liquor representative?

A. He was.

Q. In that area?

A. Yes.

Q. And evidently he felt that he knew you well enough to come and ask you to take a bribe?

A. He was the only - as he said, he was the only one that could come to see me.

Q. He was the only one who could come to see you?

A. Because I didn't make any friends down there, and John Baker, who was a long standing friend from the time we lived in Madoc and who had worked his way up high, and today I believe he is Vice-President of Seagrams, and he told Trumble to look after me when I went down there and told him I liked to hunt and fish.

Q. After this conversation in April 1957, when Trumble offered the bribe that you refused, did you ever see Trumble after that?

A. Yes.

Q. Did you go hunting with him again after that?

A. No.

Q. What did you do with him after that?

A. (Pause) I might have gone hunting with him down at Amherstburg on the dykes in the fall of that year.

Q. The fall of 1957?

A. It could have been. It may have been 1956.

Q. We know you had been duck hunting before?

A. Yes, but that was a different type of duck hunting - puddle ducks and diving ducks - and puddle ducks is when the season opens and diving ducks is later on, if I may explain it to you.

Q. You don't know whether you had made the two trips to Amherstburg or to Peach Island in the fall of 1956 or the fall of 1957?

A. I would say that the trip to Peach Island was the opening of the season, which would be approximately around October, and it was opening day, whatever date it was, in 1956, because he took me over to this island and it was amazing that it was so close to civilization, and I am fairly certain that in the fall of thatyear was the day I went duck hunting with him, but I didn't stay in the hide with him; I was with another lad and he was in the hide with another lad.

Q. Do you know whether or not you had any social contact with Trumble after he made you this bribe offer?

A. Social contact?

Q. Yes.

THE COMMISSIONER: Did you ever have any social contact with him?

A. Well, I went to a ball game with him.

MR. ROSE: Q. A ball game?

A. Yes.

Q. When?

A. Shortly after I went to Essex.

Q. I am talking after April, 1957?

A. I had a -- I sat with him in a

hotel when I was down in March of this year.

Q. Down where?

A. In Windsor.

Q. Yes.

A. In which I had made some cursory investigation and as a result he phoned me, and I went and met him at the hotel and we discussed just what we are discussing.

Q. But no social contacts - hunting trips, if I may call that a social contact, since April 1957, aside from thefact that it may have been in the fall of 1957 that you went shooting with him at Amherstburg?

A. I would venture to say that the trip I went duck hunting with him in the fall that you are referring to was in the fall of 1956.

Q. Is that the only time you remember seeing him since April 1957?

A. No.

Q. You have seen him?

A. Yes, I have seen him.

Q. Well, where was this?

A. I saw him.

Q. Where?

A. I think he was in my office one day when he was picked up for speeding. He asked me if I could do anything. I told him I couldn't.

Q. No "patch"?

hotel when I was down to three of forty cents.

A. I beg your pardon?

Q. There would be no "patch" there?

A. Well, I wouldn't say that there was. I can't recall - I know that I saw the man, but when you say "socially" I can't recall any social events, unless it would be a stag party that I would go to in which he would be among the gathering and would be there. Now, I can't recall any social events. Now, it is possible I can't recall.

Q. Well, in any event, if he did offer you $500 a month, this attempted bribe didn't result in you saying to yourself, "I'll have nothing further to do with this man in any way"?

A. Mind you, what he was trying to tell me was that he had been sent there by somebody to see if I would . . .

Q. Yes.

A. Yes.

Q. It didn't affect your attitude towards him at all?

A. As far as I was concerned, I don't think I ever had anything to do socially with the man afterwards.

Q. Did it affect your attitude towards him?

A. It weakened it.

Q. It weakened it?

A. Very much so.

THE COMMISSIONER: We will take ten minutes.

---Short adjournment.

---On resuming.

---The witness returned to the witness box.

THE COMMISSIONER: Yes, Mr. Rose.

MR. ROSE: Thank you, sir.

Q. I believe, Mr. Hatch, we were discussing your meeting with Atwood in the latter part of September, 1957?

A. Yes, sir.

Q. And Atwood indicated to you at that time that he, for one reason or another, would be prepared to give evidence in respect to any charge which was laid against the Roseland Club?

A. That is right.

Q. And then, on October 9th, 1957, there was a meeting up in the Attorney-General's Department?

A. Yes.

Q. Various persons were there, as you have told us?

A. Yes.

Q. And at that particular time you made a request that you be allowed to pay, I think you put it, $25 to $50 to an informer?

A. No.

Q. I see.

A. I asked if I may have permission to have some money to pass out for to gain information.

Q. To gain information?

A. That is right.

Q. When you said you wanted permission to have some money, where would that money come from?

A. Out of my pocket.

Q. And would that then be marked up to the general expenses of the investigation?

A. I would put it in my expense account.

Q. Yes, and you would be reimbursed?

A. I would be reimbursed, yes.

Q. Did you pay such money out?

A. I didn't.

Q. You didn't?

A. No.

Q. At the time you asked for it, Mr. Hatch, was Atwood the person you had in mind?

A. No.

Q. Who was the person you had in mind?

THE COMMISSIONER: Don't answer.

MR. ROSE: In any event, it wasn't Atwood?

A. It was not.

Q. And after Atwood had told you that he was prepared to give evidence, I presume that you kept that a secret unto yourself?

A. There was one other person.

Q. Would that be your District Inspector?

A. I'd like to say I can't recall whether he was informed, and I don't think that he was. It could be, but there was another person at that time.

Q. Did you hear a rumour after that time that Atwood hadbeen given $1000?

A. No.

Q. You never heard that?

A. No, I didn't.

Q. Now, after you knew that Atwood was prepared to give evidence, then you went ahead and raided the premises, I believe, on November 13th?

A. That is correct.

Q. In 1957?

A. Yes, that is right.

Q. And did you gain any extra knowledge or extra evidence from that raid than you had obtained on previous raids?

A. No.

Q. And in respect to previous raids ---

A. Pardon me, I would like to - I did gain some extra knowledge as to the chips and the amount of money thatthe persons had on them, because we didn't search them previous to that evening.

Q. I am talking about extra evidence

that would normally induce you to lay a charge.

A. Well, I had built up a series of circumstances together with the information that Curly Gardner gave me voluntarily, whihh would be evidence in a court, when I met him in the Prince Edward Hotel, and of course that was previous to the raid.

Q. May I put it to you, would you have laid a charge against the Roseland Club after the raid of November 13th, 1957, if you were going to be lacking the evidence of Atwood?

A. Yes, sir.

Q. You would?

A. Yes.

Q. And that was because of what Gardner had told you?

A. With other parts of the evidence.

Q. You told us about that. You found extra money and so on and so forth?

A. Yes.

Q. That extra money was in the pockets of persons?

A. That is right, and I was --

Q. And may I say this to you ---

THE COMMISSIONER: He wants to say something.

THE WITNESS: I was prepared for any and every eventuality, that if Atwood never crossed the border I would proceed with my case of

keeping a common gaming house against the principals of the Roseland Club.

MR. ROSS: Q. That is, if Atwood did not turn up you were still prepared to proceed?

A. Yes, I was.

Q. But would it not be fair to say that, so far as having the evidence of Atwood was concerned, that nailed the case down?

A. Yes.

Q. As a matter of fact, it did, did it not, because when Atwood stood up and gave evidence, Mr. Martin - Mr. Arthur Martin, it was - asked for a recess and the pleas were changed to guilty?

A. Yes. And after the trial Mr. Martin said he was quite convinced I had sufficient evidence to close the club without Atwood's evidence.

Q. Well, I don't know whether he said that or not.

A. He said it to me.

Q. And in any event, once this witness was produced, that was the end of the case for all practical purposes?

A. It ended right there.

Q. Now, you told us about a meeting that took place in which I was present in Detroit?

A. Yes, sir.

Q. And you told us that in fairly

great detail?

A. Yes, sir.

Q. That was on December 27th, was it?

A. I believe so.

Q. Of 1957?

A. Yes, sir.

Q. And after that meeting did you reduce that conversation or the conversations that took place - did you reduce them to writing?

A. (Pause) I would have to check through the reports.

Q. Would you, please? I would like to know if you did.

A. (The witness looked through various documents) No.

Q. You didn't?

A. No, I didn't.

Q. Did you - what was your diary entry in respect to that meeting?

A. I read it out. (Diary handed to the witness) My diary entry for December 27th is:

"Friday 7 p.m. to 11;30 p.m.,
"accompanied by Corporal Graham
"to Detroit. Met two alleged
"informers at Walker Road Club,
"R. Miller and Morris Rose.
"These men apparently in employ
"of club".

Q. And is that the extent [redacted] of the the notes that you made concerning that meeting in Detroit?

A. That is right.

Q. Now, I believe you were accompanied by a Corporal Graham?

A. That is right.

Q. Do you know whether or not Corporal Graham made any more extensive notes in his diary? --

A. He could have.

Q. - concerning that?

A. He could have.

Q. You don't know?

A. I don't know.

Q. Do you know whether or not Corporal Graham made a typewritten report to any person in which the conversations of that meeting were mentioned?

A. Not to my knowledge. It could have happened. It is a long time ago, but I can't recall it.

Q. I gather you made no report through the usual channels?

A. No. I mentioned it, but I see I haven't reported on it.

Q. You just told me you can't recall, it is so long ago, your memory fails you?

A. Whether he made a report on it.

Q. You can't recall?

Q. And is that the only [illegible]

according to [illegible]?

A. That is right.

Q. Now, I believe you were accompanied by a Corporal Graham

A. That is right.

Q. Do you know the [illegible]

Corporal Graham made any more statements [illegible]

in that [illegible]?

A. He could have.

Q. - concerning [illegible]

A. He could have.

Q. Was he? Have

A. I don't know.

Q. Do you know whether or not

Corporal Graham made a telephone request to

any person to watch the conversations of that

meeting were monitored?

A. Not to my knowledge. It could have happened. It is a long time ago, but I can't recall it.

Q. I gather you made no notes thereof [illegible]?

A. No. I mentioned it, but I see I haven't referred to it.

Q. You just said as far as you'd recall, it is so long ago, your memory fails [illegible]

A. Whether he made a request or it.

Q. Yes, I'm sorry.

A. I don't recall.

A. I can't recall whether he did or not.

Q. You don't recall because it was so long ago?

A. But I remember the meeting very distinctly.

Q. Sure you remember the meeting, but when you were giving your evidence concerning the conversations which took place you are relying solely on your memory of an event which took place approximately four and a half years ago?

A. That is right.

Q. Now, during the course of that meeting - which went for what - at least an hour and a half?

A. Yes.

Q. And everybody was drinking?

A. Yes.

Q. I remember you said you paid for your own drinks?

A. I paid for yours, too.

Q. Did you pay for mine?

A. Yes.

Q. That would go on your expenses also?

A. Yes, and your supper.

Q. And my supper?

A. Yes.

Q. Well, I am very grateful. That is

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the only thing I have got from the O.P.P.

A. Thank you.

Q. Now, when you used the expression - it seems to me rather an archaic one - "swell babes", is that your own words, or are you saying those are the words I used?

A. I say those are the words that you used.

Q. You say those are the words I used?

A. Yes.

Q. And that is as you recall it?

A. That is exactly as I recall it, and you went on further.

Q. Now, Mr. Hogg ---

THE COMMISSIONER: Now, wait a minute. What further did he say?

A. You said, when we were ready to leave you ---

MR. ROSE: Q. Yes?

A. - "The evening is still early, and I've got a couple of swell babes, let's go on out and have a good evening," and I said I wasn't interested, I was a married man.

Q. I believe that is, in effect, what you said yesterday?

A. That is exactly what you said, too.

Q. That is exactly what I said?

A. Yes.

Q. You remember this, four and a half years ago?

A. Yes.

Q. Now, Mr. Hogg - well, let me go back to one other thing for a moment. You gave evidence yesterday concerning a meeting with Frank Gardner in a restaurant bar of some kind?

A. Yes.

Q. And during the course of that meeting somebody produced a 30-pound ham or were you offered a 30-pound ham?

A. The waiter came to our table with a 30-pound ham. I say 30 pounds, it may only have been 25.

Q. It was a large ham?

A. It was wrapped in paper.

Q. And Frank Gardner offered that?

A. Yes.

Q. And also offered to obtain certain medication for you at that time?

A. That is correct.

Q. Yes, and you turned down the offer of the ham and the offer of the medication?

A. That is right.

Q. Because I do not think there is any doubt about it, you and Gardner both talked quite frankly? You were both aware that he was connected with the Roseland Club and he was, in effect, asking you to leave the club

alone? Isn't that correct?

A. That is it.

Q. Surely, and the offer of the ham and of the medication was an inducement to you to leave the club alone and let it operate?

A. I didn't look at it that way. I figured that the ham was the beginning, that if I had taken the ham, then he would told everybody that I had been ---

Q. I thought this was a gift to you?

A. Well, I know it was a gift.

Q. To obtain your good-will?

A. It was supposedly a gift.

Q. To earn your good-will?

A. Yes.

Q. In order to allow the club to continue ---

A. No, no, no - there was no stipulation that the club was going to operate because I got a ham.

Q. Well, that was pretty small payment, really, as far as the bribe was concerned. I believe it was at this meeting that Gardner said to you - that Curly said he wanted to be your friend?

A. That is right.

Q. And that is when he offered to give you a big ham?

A. No, I didn't say that. I didn't say that. I said that during this conversation

he asked me if he could call me Jack and he wanted to be my friend, but during the course of our conversation a waiter came over to the table and said, "Mr. Gardner, just take a look at that," which was a ham, and Mr. Gardner said, "Where did you get it?". He said, "My brother works in a ham factory," or whatever the - some ---

THE COMMISSIONER: Abattoir?

A. Something like that. I just can't recall whether he worked in a packers or whether he worked in some meat store, and I believe the price was 37 cents.

MR. ROSE: A pound?

A. A pound, which was, at that time, quite cheap, and Gardner said, "I'll take that one", and he said, "Jack, you take the ham, and he'll get me another one for myself", and I said, "No, thank you, I don't eat pork".

Q. Well,there was some discussion there about accommodation at some resort for you?

A. Yes, two trips.

Q. And did getting you promotion?

A. Yes.

Q. And did you not take from these offers, direct and indirect, that he certainly wanted you to leave the club alone?

A. Yes.

Q. Was there any doubt about that?

A. There was no doubt about it.

Q. There was no doubt at all as a result of those offers, was there?

A. No.

Q. Well, in my conversation with you I was posing as somebody who wanted the club closed down?

A. You wanted to get even with them ---

Q. Yes, I wanted it closed down?

A. -- because it was running a crooked dice game.

Q. And I was prepared to give evidence?

A. If you were paid.

Q. If I were paid?

A. Yes.

Q. And, as a matter of fact, Sam called you?

A. Sam never called me.

Q. Well, who called you?

A. I don't know. Maybe you know better than I do.

Q. Who called you on the telephone, do you know?

A. Well, it was supposed to be Miller.

Q. Isn't that Sam Miller, anyway?

A. You know better than I do.

Q. I'm afraid I don't. The person who called you on the telephone represented himself to be Miller?

A. Yes.

Q. And did that person say at the time that there was a disgruntled member of the club who would be prepared to give evidence if he was paid for it?

A. He said that a shirt salesman, who was a friend, had lost $8,000 in the club and that he wanted to get even with them because he felt the game was crooked.

Q. Did that person on the telephone not say to you that this person wanted to be paid?

A. I believe at the time he did, and I think the price was $500.

Q. And then when you came over to Detroit to this meeting you knew at that time that the person was asking for money ---

A. That is right.

Q. - to give evidence. And, as a matter of fact, that person mentioned money as soon as you came?

A. No.

Q. Well, after you came - a short while?

A. Some time after, yes.

Q. And, insofar as the person was concerned, it evidently turned out that he was not fully briefed on what had been occurring at the club? Is that a correct statement?

A. Well, I would say 'yes'.

Q. He didn't know the colours of the chips, for instance?

A. That is right, he didn't know the layout of the club.

Q. I was going to ask you about that in a moment, Mr. Hatch. Would it then be fair to say that, insofar as this person Morris Rose was concerned, he, for payment, would assist you to close the club or to substantiate a prosecution because of his feelings towards the club?

A. That he is what he tried to convey.

Q. That was the intention throughout?

A. That is right. I might add, though, that I wasn't interested.

Q. You were not interested in paying them. You were interested to have this done?

A. No.

Q. Well, that is to your credit, isn't it?

A. I will leave that to you, Mr.Rose.

Q. Now, it was on December 31st that you had a meeting with Giacalone?

A. That is right.

Q. What is his first name?

A. Vito.

Q. How do you spell it?

A. V-i-t-o.

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Q. And was that at your Detachment Headquarters?

A. That was.

Q. And had you met Giacalone before this time aside from the time that you arrested him, at least found him on the premises?

A. Yes, I saw him on the premises every time there was a raid. I would say every time except I might stand corrected that he may have been missing one night, but I know that ---

Q. He was on the premises on the night of the raid on November 13th?

A. That is right.

Q. And I believe he was charged, wasn't he?

A. That is right, as a found-in.

Q. Was that charge consummated?

A. Yes, paid his fine.

Q. He pleaded guilty and paid a fine?

A. That is right.

Q. Was that your only professional contact with him aside from just seeing him on the premises on occasion?

A. No. When you say "contact" you mean speaking to the man?

Q. Well, having an intimate discussion the nature of which you told us.

A. Outside the club?

Q. Anywhere.

A. This is in the club. I had never had a meeting outside the club until the night he came to my office.

Q. December 31st?

A. That is correct.

Q. I believe you told us yesterday that he was a pretty big man in Detroit?

A. That is right.

Q. And I believe you further said that he controlled the gambling in Detroit?

A. That is right.

Q. I believe you also said that you thought he was even bigger a man than that?

A. No, I said that the Detroit police thought that he was a lot bigger than I did, and in that reference I know that he is a big man in the City of Detroit.

Q. Just what did they mean by that? What did you take from it?

A. Well, if there is a syndicate, that he is not the head of it.

Q. That he is not the head of it?

A. That is right.

Q. Are you suggesting that the impression you got from the Detroit police that Mr. Giacalone was much more than just a part of the gambling in that particular area, that he was a top-ranking member of some syndicate that you are talking about?

A. Would you define "top-ranking"?

Q. Well, you mentioned it was a syndicate. You told us this morning that nobody uses the word "Mafia" over there, it is a dirty word?

A. That is correct.

Q. So you refer to it as a syndicate?

A. That is right.

Q. I presume a "syndicate" implies a group of persons?

A. That is correct.

Q. Comprising the syndicate?

A. That is correct.

Q. And I would further presume that in this group of persons some would have more authority than others?

A. That is right.

Q. Now, in such a syndicate did you get the idea from what the Detroit police said that Mr. Giacalone was a powerful figure in this syndicate?

A. Over gambling?

Q. Are you asking me or telling me?

A. I am asking you. You mean over the gambling?

Q. That is all we have heard about is gambling.

A. Yes, I would say he is the most powerful man over gambling in that area.

Q. In that area. So then at December 31st, not knowing this man too well

except speaking casually to him, he had a long talk with you, this powerful figure in gambling in the United States?

A. A long talk? No, I wouldn't say.

Q. He said a lot of things?

A. He said a lot of things. I would say that it was Eddie Guarrella and Max Snider. - Eddie Guarrella and Max Snider were there in the office, and during that time there was a discussion, and then the counting of the money, which consumed some time, and then I walked out with Giacalone to show him the way out of the building, and his car was parked out and he sent Eddie Guarrella and Max Snider to the car and said they were not to talk to him.

Q. This discussion you had with him on December 31st concerning the Roseland Club and the members thereof was a discussion not heard by any other person?

A. That is right.

Q. This was a private conversation?

A. That is right.

Q. Between the two of you. Didn't you think it strange during the conversation that a man evidently of his power and influence would discuss these intimate details with you?

A. I did not know that the man was as powerful then as I do now.

Q. Thinking of it now, do you not

find it a little strange that he did do this?

A. No.

Q. You don't find it strange?

A. No, I figured when he had a discussion with me that evening that he was more than likely looking for a soft spot.

Q. What did he say to you that made you think he was looking for a soft spot?

A. Well, he was quite friendly with me and he had a very nice personality and he appeared to be, shall we say, quite friendly, and he was discussing it and he asked me, he said that the closing of the club was as the result of Curly Gardner who he had acquired a great distaste for.

Q. I will come to the substance of the discussion.

THE COMMISSIONER: Let him finish.

A. That from what conversation he had had with Gardner, that Gardner - that he had a great hatred - not hatred, I don't think was the word - dislike and personal grudge against Curly Gardner.

MR. ROSE:

Q. First of all he told you that he himself was a partner in the Roseland Club?

A. He did not.

Q. He did not?

A. He did not.

Q. Did he mention he had an interest in the Roseland Club at all?

MR. ROSE:

A. The only thing he asked me was how did I catch on to him being part of the club.

Q. Yes?

A. And I said that just from conversation and the actions that immediately I would go in there he would draw back, and I had pegged him as being one of the persons connectdd with the club.

Q. And he admitted it?

A. He admitted it.

Q. And when you say a part of the club, are you not discussing as to whether or not he was a partner in the club?

A. I didn't ask him.

Q. Can you tell us what the difference is? What do you mean "a part of the club"?

A. Well, part of the club would be a part of all those that are engaged in it.

Q. Part of all those ---

A. Not gamblers.

Q. Are you splitting hairs with me?

A. No, no.

Q. Didn't youcome away with the conclusion that he was a partner in the club?

A. At that time?

Q. Yes.

A. No.

Q. He told you Guarrella was merely an employee?

A. No, he didn't. He just told me Guarrella was a friend of his.

Q. He did not use the word "employee" at all?

A. No, he didn't. The only one he used that word to was Gardner. It was Gardner was ---

Q. And he said Snider was a big-time gambler?

A. Yes, a man that liked to gamble. I used the term "big-time gambler". He used the term that he liked to gamble.

Q. Did you not gain the impression that Giacalone had some authority in respect to the Roseland Club?

A. I did.

Q. At that time?

A. Yes.

Q. And that he seemed to have a fairly great authority in respect to Roseland Club?

A. No, I would say that I learned that all after the club - I had more information after the club was closed than I had previously, accurate information.

Q. This is December 31st, 1957. As a matter of fact, did he tell you that Gardner and Finnegan got 5 per cent each?

A. No, he did not.

Q. And Giacalone and McDermott split

the rest?

A. No, he did not.

Q. Did you not suggest to him that he was getting 45 per cent.

A. You are talking about December 31st, and that conversation took place in March of 1962.

Q. All right, in March of 1962.

A. Yes.

Q. On December 31st he did not say those things?

A. No, he did not.

Q. But in March 1962 he did tell you?

A. That is right.

Q. And he did not put the figure of 45 per cent?

A. I put that figure.

Q. He asked you to guess at it?

A. No, he did not. I suggested.

Q. You suggested to him. Did he tell you, "You are very close"?

A. He said, "You are close enough".

Q. Was it March 1962 that he mentioned that Gardner and Finnegan got 5 per cent each?

A. Yes. He did not mention it. I mentioned it.

Q. He did not. He said what?

A. "You are close enough". I mentioned it all in one sentence.

Q. I see, were you the one who raised

this percentage figure?

A. I did, yes.

Q. And he said, "You are close enough"?

A. Yes.

Q. Was it at that time that he said he despised Gardner?

A. Yes, both times.

Q. At both times?

A. Yes, sir. In fact, if my memory serves me correctly, when they were all in the cells he was the one that asked to have Gardner taken out of the cell that he was in.

Q. What I am wondering about is if he had close to the figure that you mentioned and he despised Gardner and he allowed Gardner close to 5 per cent, why he allowed Gardner to stay around the property. Was it from his usefulness in knowing the gamblers and taking care of security?

A. Do you want my opinion?

Q. Yes.

MR. WILSON: Mr. Commissioner, we are wasting a lot of time here.

THE COMMISIONER: I had thought that too, but Mr. Rose wants to pursue this for some reason.

THE WITNESS: You want my opinion?

MR. ROSE: Q. Yes.

A. Previous to him ever being there

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the club opened with Finnegan and Gardner, and Gardner was the man that "conned" Finnegan into opening up this club and that he would make the necessary connections in Toronto, which we will say possibly happened, and this is when it first opened Canadians were allowed in there. Then they became worried and they brought in the American interest into the club and barred all the Canadians from entering the club.

Curly Gardner is notorious throughout the United States and notorious for knowing every gambler that walks, and he can tell you any gambler you name as a gambler, and he left him, he was there for security reasons. He was responsible for keeping any person out of that club that had no authority to be in there. That was his Gardner's job and he was not allowed down in the gaming room.

Q. I gather he was too indespensable to fire?

A. I guess they were hooked with him. If you know Gardner ---

Q. Was it at the March meeting that Giacalone said to you that he did not want to see the club closed down because it meant a lot to him, or was it this December meeting?

A. That was, I believe, the December meeting, and I believe he mentioned it again in March.

Q. In March?

A. Yes.

Q. I gather he now said he is sorry to see the club closed down?

A. Just that he did not like to see the club closed down, he had a lot of money invested in it.

Q. When was it that he said to you that McDermott had the protection all the way through?

A. March 11th.

Q. Of 1960?

A. I have used the term March 11th, but it could have been March 12th.

Q. In the month of March?

A. Yes.

Q. When?

A. 1962.

Q. Was anybody present with you during that meeting of the month of March, 1962?

A. No.

Q. So insofar as what Giacalone had to say (we have your evidence in regard to it) have you been able to find any evidence corroborating the alleged statement by Giacalone that McDermott had a fairly substantial piece of the Roseland Club?

A. Would you rephrase that again or just repeat that again?

Q. Well, I will break it down for you.

Giacalone told you or admitted to you in effect that McDermott had a fairly substantial piece of the Roseland Club, is that correct?

A. That is right.

Q. Had you any evidence which corroborates that?

A. The only thing I could say in answer to that, in fairness to your question - I have sat here and heard the evidence, but the mere fact that a man was spending a lot of money, shall we say, in ---

MR. MacKINNON: Hiring shirt salesmen.

THE WITNESS: Hiring lawyers to come down and see me on it, then hire highpriced talent to defend them, and they had a hotel room for several days at a high price ---

MR. ROSE: Q. You would suspect that that is corroboration of what Giacalone told you?

A. I took it for granted and he mentioned ---

THE COMMISSIONER: It is consistent.

MR. ROSE: Q. It is consistent, as his lordship says?

A. It is consistent with what he told me, with the meeting he had with McDermott. There would be no reason for McDermott to go down there if he had no connection.

Q. This meeting with Giacalone only took place about eight weeks ago?

A. That is right.

Q. Did Giacalone indicate to you at that time that he would be prepared to come here and give this statement under oath?

A. No, he would not come here.

Q. Did you ask him to?

A. Yes, I asked him if he was going to come over and he said no, he would not come over.

Q. He would not come over?

A. No.

Q. All right, thank you, Mr. Hatch.

THE COMMISSIONER: Now, Mr. Wilson, have you some questions?

MR. WILSON: No, no further questions.

MR. ERSKINE: Mr. Commissioner, there was one point that I don't know whether it was cleared up. I don't think it was. My friend Mr. Hogg says this was cleared up.

One other thing that this witness mentioned a moment ago, when he said that Giacalone told him that McDermott had protection all the way through. I wondered if the witness might be asked - was any explanation given of that phrase that McDermott had protection all the way through?

THE WITNESS: If I used the word "protection" I did it inadvertently - that he had it all the way through. I don't think - if I did, I did it inadvertently, used the word

"protection".

MR. BREWIN: Q. Had what all the way through then?

A. You will have to draw an inference.

MR. BREWIN: All right, thanks.

---The witness left the stand.

MR. WILSON: I recall Mr. Rose.

WALTON C. ROSE, recalled

MR. WILSON: The witness is already sworn, Mr. Commissioner.

THE COMMISSIONER: You are still under oath.

EXAMINATION BY MR. WILSON:

Q. You are a practising lawyer in the City of Toronto?

A. Yes.

Q. And when did you graduate?

A. 1950.

Q. And in 1957 were you associated with the firm of Herman, Moses and Rose?

A. I was the Rose of that firm.

Q. You were the Rose in that firm, and how long had you been associated with that firm in December of 1957?

A. I think it would be - I think the partnership came into existence on 1st January, 1956, so it would be approximately two years.

Q. And in the fall of 1957, did you have occasion to accompany your partner, Mr. Louis Herman, to Windsor and Detroit?

A. Yes - no - yes.

Q. And what was the purpose of that trip at that time?

A. Well, the only thing I knew about

it initially when I left Toronto with Mr. Herman is that there was a prosecution of a club in Windsor. As a matter of fact, I think the word "Sandwich" was used to me, and whether that is a township down there - oh, there was a prosecution in a club in which Mr. Herman was to give some evidence, or in regard to which he had done some legal work.

I was informed that other lawyers were already there or on the way down, and Mr. Herman said, "It might be a good idea if you come along". I mean, that is the substance of the thing as I recall it.

Q. Can you fix the date with relation to this meeting that you had with Inspector Hatch in Detroit on December 27th?

A. Can I fix the date?

Q. Yes, I mean the date that you went to Windsor and Detroit with Mr. Herman?

A. Well, I think it was either one or two days before. However, I have checked with Mr. Herman, and I believe his ledger sheets show a disbursement for two tickets via T.C.A. for Mr. Herman and myself. I have spoken with him. I am not saying the date. He will have that. I understood he is subpoenaed as a witness. I think it must have been possibly the day before because I cannot envisage not having Christmas at home.

it instantly when I first formed with Mr.
Herman it that there was a prosecution of
a club in Windsor. As a matter of fact, I
think the word "Sanction" was used to me,
and whether that is a township down there -
or, there was a prosecution in a club in
Windsor. Herman was to give some evidence,
in regard to watch he had done some kind
work.

I was informed that other lawyers were
already there or on the way down, and Mr.
Herman said, "It might be a good idea if
you came along". I mean, that is the
extension of the thing as I recall it.

to this meeting that you had with Inspector
Hixon in Detroit on December 27th?

A. Yes, I did [illegible]

Q. Yes, I mean the date that you
went to Windsor and Detroit with Mr. Herman
A. Well, I think it was [illegible]
one or two days before. However, I have
checked with Mr. Herman, and I believe his
lawyer shows show a discrepancy for two
days in U.C.A. for Mr. Herman and myself.
I have spoken with him. I am not saying the
date. He will have that. I understood he
is summoned as a witness. I think it must
have been possibly the day before because I

Q. What hotel did you stay at in Detroit?

A. Well, I thought it was the Detroit-Leland. I am not sure.

Q. Who was your room mate on that occasion?

A. It was David Humphrey.

Q. How many days did you stay at this hotel?

A. I can only guess, I cannot tell you. I would guess it would be a maximum of three.

Q. And you mentioned that other lawyers were there. Did you find that to be true on your arrival?

A. No, I don't know whether - my arrival was at Windsor with Mr. Herman, and certain people met us.

Q. You were met by whom at Windsor?

A. The only person I can recall meeting was Gardner. That was the first time I had met him, as I recall it. He was at the airport to meet us.

Q. That is, Curly Gardner?

A. Yes.

Q. When you got over to Detroit did you meet some other lawyers that were engaged in preparing the defence in respect to this prosecution of the Roseland Club?

A. As I best recall, I think, I think

it was that day that I met certain other lawyers.

Q. Who did you meet?

A. Well, I recall meeting Mr.Martin. I was introduced to ---

Q. When you say ---

A. That is Mr. Arthur Martin. I was introduced to a lawyer I didn't know before, Barney Cohen.

Q. Of Windsor?

A. I believe he is from Windsor. I have since been informed that I met a Windsor lawyer by the name of James Allen, but I don't recall it. Dave Humphrey was there. Well, Dave Humphrey was amongst those counsel. That is all I recall at the moment.

Q. Now, were you told as to the purpose of your attendance, why you were being asked to come to Windsor?

A. Just to come along with Mr.Herman. I presumed it was to ---

Q. I don't know whether you heard Mr. Humphrey's evidence or not.

A. Yes, I heard it in its entirety.

Q. Well, he says in part, as I recall it, and I will read it from the bottom of page 3535:

"Q. You mean, you had the meeting "and then sent for Mr. Rose from "Toronto, or was he there?

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"A. No. As I say, I don't recall "being present when this decision "was made, but I recall hearing "afterwards a decision was made "to investigate this matter, and "it was thought Mr. Rose might be "an appropriate person, and I think "he was asked to come from Toronto "for that purpose."

And by reference to the earlier questions and answers, the purpose was to have set up a meeting with Inspector Hatch.

A. I think Mr. Humphrey is wrong in that statement.

Q. You think he is wrong?

A. I am sure he is wrong in that statement.

Q. After you got to Detroit, how many meetings of these lawyers that you mentioned - all of whom I take it were engaged in the preparation of defence of these charges against Finnegan and Gardner.

A. I might say this. I knew very little about the case, just what I picked up from what Mr. Harman said on the plane and with various people saying. I do recall, as I say, in the hotel when I met Mr. Cohen and Mr. Martin was there, that we were around and I recall certain discussions taking place in regard to the defence of this case.

Q. Yes.

A. And at this discussion I think I sort of kept my mouth shut, because I was unfamiliar with the case.

Q. Apart from the lawyers that you have mentioned, who else sat in on those discussions or strategy meetings?

A. Well, as I say, at the moment I only recall the one. I think it was in the afternoon in the hotel when certain discussions took place. I don't recall, I don't honestly recall anybody but the lawyers being there at that time at the one meeting.

THE COMMISSIONER: What time was it that you arrived in Windsor?

A. Well, the sun was shining, it was during the daytime. As a matter of fact, I had originally thought that I had gone down there, I thought it was almost in the summer time when I last gave my evidence. December 27th did not seem right to me, but evidently it is. It was in the daytime.

MR. WILSON: Q. Joseph McDermott was in the hotel?

A. Yes, sir.

Q. At that time?

A. I think so. He was not at this first meeting, that I recall.

Q. But he was in the hotel?

A. Oh, he was in the hotel, yes.

Q. And if he was not at the first meeting, he was at other meetings that you were present at where the strategy was discussed in respect to the defence of these prosecutions?

A. Mr. McDermott was present at a subsequent meeting or meetings where the case was discussed.

Q. Yes, and who else apart from Mr. McDermott, other than lawyers, were present in any of these meetings that you were at?

A. I recall Mr. Humphrey being present.

Q. Oh, he is a lawyer.

THE COMMISSIONER: Other than lawyers.

A. Oh, other than lawyers.

MR. WILSON:

Q. Were there any of the ---

A. I don't know whether Gardner was there or not.

Q. Any of the Detroit group?

A. Which Detroit group?

Q. Any Detroit people at these meetings?

A. If there was somebody else at the meeting from Detroit I don't recall.

Q. Well, Giacalone was at a dinner you were at, wasn't he?

A. Sir, I wouldn't know Giacalone if he walked in this door.

Q. You did not meet him?

A. I may have met him, but I don't place the name on any face. As I say, I would not know Giacalone if he came in here now.

Q. What part was Joseph McDermott playing in these meetings and deliberations of the lawyers?

A. Well, the only lawyers that would be present when McDermott was present to the best of my recollection would be Humphrey and myself. I seem to think there was another lawyer when McDermott was present, but I am not sure, but it was, as I recall it, a discussion in respect to the case, and it was during such discussion that the allegation, if I may call it that, concerning the Ontario Provincial Police came up.

Q. Well, who raised that?

A. It would be either McDermott or Humphrey, and I favour McDermott.

Q. Your odds are on McDermott?

A. The odds are on McDermott.

Q. Just tell us as best you can recollect what was brought up?

A. Well, I can only tell it to you in substance. The effect of the allegation was that a man by the name of Sergeant Hatch, whom I didn't know, was in charge of the investigation or in charge of the prosecution

concerning the Roseland Club, and that it was rumoured or alleged, definitely alleged as I recall it, that Hatch was endeavouring to procure witnesses - a witness or witnesses - who were or had been members of the club and could give evidence concerning gambling going on; that he was endeavouring to procure such persons to give evidence, and that he was offering money out of what was referred to as the Ontario Provincial Police "slush fund" to pay for such evidence, and that in addition any witness who said he would give such evidence would be put up at a hotel, I think it was mentioned, in Windsor, and hewould have police protection and in effect live in the lap of luxury until such time as he gave his evidence. That, sir, would be the substance of the ---

Q. Now, at that time you had been practising law for seven years approximately?

A. Yes, sir.

Q. In what field of law?

A. Mostly criminal work.

Q. Had you ever heard of this "slush fund" that McDermott suggested was being rumoured around?

A. Sir, don't ask me where I heard it, but for years I have heard of "slush funds" of all police forces for certain purposes.

Q. For the obtaining of information,

isn't that right?

A. No,sir. If you want to talk about rumour, I have for years heard of rumours of "slush funds" of police forces, whether they be Federal, municipal or provincial, and that money was used for many different purposes, not only for obtaining information but for purposes of obtaining evidence and obtaining witnesses.

Now, as I say, I am not suggesting for a moment that those are true, but you asked me if I had ever heard of it. I have heard numerous rumours.

Q. All right, you have heard the rumours. Have you any knowledge of any improper payment of money by any police force or any, you might say, government body that has to do with the administration of justice, for the purpose of getting a person to give evidence?

A. You ask me if I have any evidence of this?

THE COMMISSIONER: That is rather a long question. Re-frame it.

MR. WILSON: Q. You talked about rumours. Have you any personal knowledge of any improper payments made by anyone in order to have a person give evidence?

A. Well, sir, if you ask about personal knowledge, no policeman has ever

approached me and offered to give me money to give evidence.

THE COMMISSIONER: That is not the question.

A. That is what I understood by "personal knowledge".

THE COMMISSIONER: No, it is not.

A. Well, it is my understanding.

Q. Well, you can get personal knowledge otherwise.

A. Well ---

Q. And you are on oath.

A. I know that, sir. Do I have any personal knowledge?

Q. You heard the question. Put it again.

A. No, I heard the question.

Q. All right, then don't repeat it, just answer it.

A. I don't know by admission of police officers or by anybody seeing it, such a thing being done, but I qualified it. I said I had heard rumours about it on many occasion.

MR. WILSON: Q. I know you have heard the rumour, but you have no facts to back it up?

A. I am not alleging it is true. I do not see why I should have to back it up, sir.

Q. Now, what did Mr. McDermott then suggest be done?

A. There was, I believe, a general discussion, and it was decided that through a contact of McDermott's, that this rumour concerning the then Sergeant Hatch should be checked out, because if such a rumour were true, it would have a drastic effect upon any evidence presented by Sergeant Hatch or any officers alleged to be involved in with him, if there were, in this improper conduct - that it would certainly have a direct bearing upon the bona fides or the credibility of any officer doing that in the prosecution of the case.

Q. I take it at this stage Mr. McDermott and this group of lawyers, Mr. Humphrey, yourself and this other man ---

A. I think there was another lawyer. I am not sure.

Q. You were interested in trying to obtain an acquittal?

A. I was not particularly interested in trying to obtain an acquittal. I had no particular interest in the case aside from the fact that I was a partner of Mr. Herman's who had done some work for the club.

Q. Yes.

A. When I heard the rumour, I naturally thought that if it were true it was terrible.

Q. What part did Mr. Herman take in this discussion?

A. I don't know whether Mr.Herman was present at the discussion or not, sir.

Q. Wasn't he present?

A. Are you asking me now?

Q. Yes. Haven't you been sworn on another occasion that you thought he was present?

A. You just asked me if he was. I may have sworn that I thought he was present, I still say I think he was present, but I am not going to swear that he was present.

Q. What was he down there in Windsor for, what was he going to do?

A. Well, as I understood it Mr. Herman ---

Q. I mean, and in Detroit?

A. In Detroit. As I understood it, that Mr. Herman had as a client a club - as a matter of fact, the name "Roseland" really didn't mean that much to me until this Commission began, - that he was a solicitor for a social club in that area. I was aware of the fact through what he had told me that this was evidently a branch of the Army, Navy and Air Force Veterans in Canada. My understanding was that Mr. Herman was going there due to the fact that evidently he had had some past relationship, legal relationship,

in respect to this club.

I do recall it was mentioned that he might have to prove the charter or something of that nature.

That, as far as I can remember, was Mr. Herman's status there, and perhaps he was there to help other counsel in one way or another.

Q. Well, this particular period, whether it was two days or three days, that you were in Detroit, that was some time before the actual hearing, was it not?

A. I think the hearing was on the 31st, as I know now.

Q. Yes.

A. Yes, that is correct.

Q. So you had gone back to Toronto, I take it, before the actual hearing took place?

A. As I recall, I went back to Toronto before the hearing took place.

Q. Had Mr. Herman come back with you?

A. I don't know, I don't know.

THE COMMISSIONER: It is one o'clock.

---Noon adjournment.

AA/1/FT.

---On resuming at 2:20 o'clock p.m.

MR. WILSON: Q. I understand you have obtained some further information about the purchase of tickets to Windsor and Detroit, or to Windsor?

A. Yes, Mr. Wilson. During the noon hour adjournment I phoned my former partner, Mr. Louis Herman, and at that time he looked at the ledger sheets in connection with this matter and the ledger sheet shows that on either the 26th or 27th, I forget which, of December, it shows a disbursement for some $20 for a ticket by T.C.A. to Windsor.

I discussed with you, and I am still firmly of the opinion, both he and I went down together. The ledger sheet shows only the purchase of one ticket.

Q. He might have got a ticket elsewhere?

A. He might have had a ticket provided for him, I don't know.

Q. Coming back to this meeting where this rumor about Hatch's activities were discussed, what decision was arrived at and what action was taken?

A. A decision was arrived at that it might be advisable to check this, to see if Hatch was actually trying to obtain witnesses in this manner. And, accordingly,

after some discussion, it was decided that, due to the fact that McDermott had some person who was in contact with Hatch, that -- and, also due to the fact that I was not known, I had never acted for McDermott or Feeley or any of the -- any club, or anything of that nature, that I would pose as somebody else, I would pose as a person who was a member of the club who had reason to have taken umbrage with the operators of the club due to the fact that something had occurred there. In any event, I was mad at the operators. And, to see or to ascertain, if possible, if Hatch weredoing the things attributed to him by this rumor.

Accordingly, arrangements were made that I would meet with Hatch in the City of Detroit. As a matter of fact,this whole thing occurred in Detroit, the meeting and everything else. That I would meet with him in the City of Detroit and represent myself as a member of the club and discuss with Hatch the possibility of giving evidence and pretend that I didn't want to do so unless I were getting some benefit from it, to see if he, then, would offer a benefit or benefits for this evidence.

Q. Who set up the meeting?

A. I believe McDermott was instrumental in setting up the meeting.

Q. Did you consider this was a proper roll for you to adopt as a lawyer?

A. At the time I considered the matter, and after considering it, having regard to the allegations that were being made, I considered that there was no impropriety whatsoever in doing that.

THE COMMISSIONER: Q. You spoke about a rumor. McDermott was the only one who told you about that?

A. I think so, sir, yes.

MR. WILSON: Q. Can you fix the date of the meeting?

A. Well, from myown personal knowledge I don't recall what the date was. I presume it was on the 27th of December, as related by Mr. Hatch.

Q. Do you know the place where the meeting took place?

A. I do not know the name of it.

Q. Who was present?

THE COMMISSIONER: Q. Who took you there?

A. I don't recall, sir. I don't recall how I got there; whether it was in a taxi cab or a private car, or who was with me. I don't recall.

MR. WILSON: Q. What time of the day was it?

A. It would be in the evening.

Q. Who was there?

A. There was this fellow whose name has been mentioned as Miller, and myself, and Hatch, and Hatch at that time had another gentleman with him whose name I did not recall. I presume it was the man Graham whom he mentioned.

Q. How long were you together - that is, the four of you?

A. Well, I would imagine it would be somewhat over an hour.

Q. And during which time you had some food?

A. I recall having something to eat, yes. As a matter of fact, in listening to what Mr. Hatch said today, my memory was refreshed to some extent.

Q. Tellus what your recollection is of what occurred at that meeting?

A. Disregarding what Mr. Hatch had to say?

Q. I want your recollection?

A. My recollection is this, that I was introduced to him as a disgruntled gambler.

THE COMMISSIONER: Q. By whom?

A. It would be Miller, -- as a disgruntled gambler, and I, in my conversation with him, in substance, would be tell him I was

a disgruntled gambler, that I wouldn't mind being a witness but that I would want some benefit for so being.

MR. WILSON: Q. Well, I think he mentioned a sum of money. Did you stipulate how much money you would want in order to induce you to do something?

A. Frankly, I don't recall saying it to him. I don't deny it was said to him; I am sure money must have been mentioned.

THE COMMISSIONER: Q. You do not deny what?

A. That money was mentioned.

Q. I know, but the question of the amount?

A. I have no recollection of the amount, sir.

Q. Do you deny what Hatch said?

A. I am in no position to affirm or deny.

MR. WILSON: Q. Whatever the inducement was you were looking for, what did you say you were prepared to do in return for this inducement?

A. To give evidence as to the operations of the club.

Q. You heard Hatch's evidence to the effect that you said you had lost $8,000?

A. I heard his evidence.

Q. You had lost $8,000?

A. I heard his evidence.

Q. At the club?

A. I heard his evidence, yes.

Q. Do you affirm or deny that?

A. I can do neither.

THE COMMISSIONER: Q. Pardon?

A. I can do neither, affirm it or deny it. I don't recall.

MR. WILSON: Q. You heard his evidence to the effect you said there was a crooked game that brought about this loss of money?

A. I heard his evidence.

Q. Do you affirm or deny that?

A. I can neither affirm or deny it, but I would imagine I might well have said that.

Q. And you heard his evidence of questioning you as to the club and the lay out and so on, and your inability to answer all these questions accurately?

A. I heard his evidence.

Q. Did he ask you questions along that line?

A. I don't recall whether he did or not. He probably did if he says so.

However, one thing I don't understand about what he had to say in connection with my description of the club being something, the

description that was prior to certain renovations, because when I arrived in Windsor, the one and only time I was on those premises was after my arrival in Windsor on either the 26th or 27th of December. And at that time, of course, the club was closed. I went out and I looked at the premises. I went inside and I went into the adjoining structure, the newer structure that had been put on it, and I tookthe trouble to look at the photographs this morning that had been filed, and that is as I remember it. So, I can't possibly understand why Mr. Hatch would say my description -- what was my description was of the club before it was renovated because I was in the club either that day or the previous one. And, looking at the picture, that is as I remember it. I have never been in the club since.

THE COMMISSIONER: Q. The outside has not been changed?

A. I am just saying that to say that is the place I was at. I don't understand his evidence in that regard.

MR.WILSON: Q. He did ask you questions about the layout?

A. He probably did.

Q. Did he indicate toyou in any way that he was not satisfied with your answers?

A. I don't recall that I got

that impression.

Q. Did he, after his discussion with you, about your losses and your membership in the club, and so on, did he ask you to make a statement?

A. I think I recall something about a statement.

Q. And what was your reaction to that request?

A. I don't recall. I would probably put him off on it.

Q. What was his reaction to your suggestion of some inducement?

A. Oh! As far as Mr. Hatch was concerned, as I said before in the in camera hearing, his conduct was above reproach as far as any inducement was concerned.

As a matter of fact, the rumor, or the alleged rumor, proved to be completely baseless. Completely baseless.

THE COMMISSIONER: Q. If there was a rumor?

A. Well, I said there was.

Q. Well, McDermott was the only one?

A. Oh, I thought you were suggesting I made it up.

Q. No. It was not a general rumor flying around?

A. No, I just heard it in the

one instance.

Q. McDermott told you?

A. Yes, that is correct.

MR. WILSON: Q. Did you make any enquiries about Inspector Hatch, as he said you did, of the evidence that would be required in a prosecution of the kind that was pending?

A. It would seem to me that that would have, under the circumstances, been one of the questions I might have put to him.

Q. Why would you put that type of question to him?

A. To endeavour to see if he required a witness who had some knowledge of the games that was going on at the club. In other words, having regard to the allegation it would seem that he was desperately trying by fair means or foul to obtain a witness, because otherwise he would have no case. That was the impression I was left with.

Q. Were youtrying to ascertain whether he had, in your opinion, evidence to enable this prosecution to be successful?

A. Well, I would say I wasn't endeavouring to ascertain in my opinion; I would probably be endeavouring to ascertain whether in his opinion he needed a witness.

Q. In other words, to find out whether he needed any further help to successfully prosecute this case?

A. Having regard to the allegation made, yes.

Q. And that would be of great interest to all the lawyers and accused involved in the matter?

A. I imagine, speaking fairly, it would be of great interest. It wasn't of that much interest to myself. I was interested in finding out whether he was improperly trying to obtain evidence.

THE COMMISSIONER: Q. Weren't you interested in finding out what evidence he had?

A. Personally I couldn't have cared less.

MR.WILSON: Q. You were just, sort of, an agent for the others?

A. I was a very junior partner in a law firm who knew verylittle about McDermott or any of the things going on.

Q. They would be vitally interested in knowing whether there was any evidence which in their opinion would be sufficient to successfully prosecute?

A. If I were them, and would defending, I know I must be interested.

Q. Now, you heard his evidence about your alleged suggestion that the -- towards the end of the meeting that you had a couple of babes lined up?

A. Swell babes.

Q. Swell babes?

A. Yes.

Q. And it would be a good idea to go out and have a good time on the town, or words to that effect?

A. Yes.

Q. What do you say about that?

A. Well, I say this, that I have never used the expression "babe" in my life to refer to a female. I can't possibly conceive of myself using the words "swell babe" or "swell babes". I presume, if I had been born 20 years before I was, that might have been an expression I would have used, similar to 23 skidoo, or something of that nature. I can't possibly conceive of myself using that expression, because I never have. However, it might have been, at the close of the conversation, I might have said to him, "Well, let's go out and find a couple of girls and have a party", or something of that nature. If I did so, it would be said in a completely joking and offhand manner; but, I have no recollection of having done so.

Q. What does a joking and offhand manner mean; you would not go through with it?

A. I had no connections in Windsor or Detroit. I didn't know anybody

who lived there, male or female, aside from Mr. Gardner, who I had met, and Mr. Cohen, who lived in Windsor.

Q. And Mr. Miller?

A. And Mr. Miller, who lived in Detroit. And, if I was there and making that suggestion, a couple of people were going to go short, because there were four of us.

Q. Maybe you were not going to include Mr. Miller and Corporal Graham in the party?

A. That would be most impolite.

After I had discovered that Mr. Hatch was acting in a completely proper manner, I had no further interest in Mr. Hatch or his case. I had discovered that the rumor was baseless and I was more than pleased to tell the others that that was so.

THE COMMISSIONER: Just a moment.

Q. At what stage in the discussion with Hatch did you reach the conclusion there was nothing to this rumor?

A. Because he was not --

Q. I say, at what stage?

A. At the stage when it appeared he wasn't offering money to persons to come over as witnesses.

Q. That was at the time he said he was not interested in any money?

A. Whatever time that was.

Q. Yes, but it was after that you suggested you go out on the town with a couple of babes, as he puts it?

A. I didn't say "go out on the town with a couple of babes".

Q. With a couple of girls, as you put it?

A. I don't recall any suggestion being made.

Q. Will you deny it?

A. I can't recall it so how can I deny it?

Q. If you did say it you said it at some time afteryou reached the conclusion there was nothing improper in his attitude?

A. According to this evidence.

Q. You did not know Hatch?

A. I didn't know Hatch when I saw him in this courtroom a few weeks ago. Not this courtroom, this inquiry room.

Q. What possible purpose would you have in going out with him, except to gleen some information from him?

A. Well, you, sir, are pre-supposing I would go out with him on that basis, and I would not.

Q. This was an idle suggestion?

A. Ithink that is a good way of putting it.

Q. Made after you had completely

satisfied yourself there was nothing improper in the way he was carrying on?

A. I would perhaps say it was an idle suggestion with no serious intent behind it.

Q. And I say, made after you had reached the conclusion there was nothing to this rumor?

A. That is what he says.

MR.WILSON: Q. Then, did you report back to the group?

A. I left there and I went back to the hotel.

Q. Who did you report to?

A. I think Humphrey was there, McDermott was there. I am not sure whether there was anybody else there. It seem to have the image in my mind there might have been one or two others, but I am not sure about that. And I came back and I said, "There's nothing to it. This man didn't try to improperly influence me." I am using those words; I don't know whether those are the words I used.

Q. I take it you reported you did not -- or, you got no information from him?

A. I don't know.

Q. You swore you did?

A. I don't know.

Q. Was that the end of your roll as far as this particular matter is concerned?

A. I think we had a couple of drinks and whether we went out to eat or not, I don't know. And I believe it was the next day - No, I don't know whether I stayed there another two days. I know I went to a championship football game with Mr. Humphrey. The Detroit Lions were playing somebody. Mr.Humphrey and I went to the football game in the afternoon. Whether that was the next day or the day after I don't know, but I took no further interest in the case or the people connected with it as far as the people were concerned after my meeting with Hutch.

AA/3

Q. You did not go back at the time the trial took place?

A. I was back here at the time the trial took place, I am sure.

Q. That is all.

THE COMMISSIONER: Mr. MacKinnon?

EXAMINED BY MR. MacKINNON:

Q. Mr. Rose, have you got in your possession a confidential police report on Chief Shrubb and his wife, as to their activities when they were in Chatham, dated within the last week?

A. Yes.

Q. And did you get that from Mr. F.L.Wilson, one of the solicitors who has been sitting here throughout, from the Attorney General's Department?

A. I think so.

THE COMMISSIONER: Q. You think so? Surely your memory is not that bad?

A. I don't knowwho it was who gave it to me.

Q. Why do you say you think so?

A. All right, I don't know who it was who gave it to me of the people in this room.

MR. MacKINNON: Q. It was addressed "F.L.Wilson"?

A. No.

Q. Are you acting as counsel for the Attorney General here?

A. Never any suggestion of that.

Q. Why would such a confidential police report be given to you, of all people?

A. Could I explain it?

Q. Will you explain it?

A. It is perhaps information that might be of interest to me.

Q. But not of interest to me or Mr. Rolly Wilson?

A. I don't know. There are many reports, I have none of them myself, I assure that would be of interest to me, but they have not been provided. There are dozens and dozens of reports which you and Mr. Brewin have, but they are not available to me. Copies have been provided for you throughout and the decision was reached by this Commission I was not to have them.

Q. Just let me go on with that: Have you received any other confidential reports?

A. No.

Q. From Mr. Wilson?

A. No.

Q. Mr. F.L.Wilson, not Mr. Rolly Wilson?

A. Twice no.

Q. There was no confidential report made on Inspector Stringer that you received?

A. I know of no such report, nor have I asked for a confidential report on Mr. Stringer.

THE COMMISSIONER: Q. How did you happen to get this confidential report?

A. I noticed, I think, Mr. Wilson

or Mr. Common, or one of the others, looking at it and I said, "May I have a look at it?" And I had a look at it.

Q. It was given to you?

A. Yes, I looked at it.

Q. I did not ask if you looked at it. Was it given to you?

A. As my own personal property?

Q. Yes?

A. Not as my own personal property, no.

MR. MacKINNON: Q. You have it, haven't you?

A. It's sitting on my desk, to be returned.

Q. Let us go back to your other activities. You say you had not -- You were the "Rose" in Herman, Moses and Rose starting on January 1, 1956; is that correct?

A. I think it was January 1, 1956.

Q. And up until December of 1957, do you tell us, you had never heard of Mr. McDermott?

A. I never said any such a thing.

Q. When did you first meet Mr. McDermott?

A. I believe I met Mr. McDermott during -- I would have either have met Mr. McDermott at 100 Adelaide Street West prior to becoming a partner in that firm or subsequent

to becoming a partner in that firm.

Q. What is the significance of 100 Adelaide Street West?

A. I had my own practise in 100 Adelaide Street West and I had taken space in their suite of offices.

Q. In what connection did you meet him?

A. I don't actually recall what connection I met him. Probably as a person in the office consulting his solicitor.

Q. Did you get to know him fairly well?

A. At what time?

Q. By December, 1957?

A. No.

Q. Did you ever act for him prior to this date?

A. I am sure I didn't.

THE COMMISSIONER: Q. Prior to what date?

A. December, 1957.

MR. MacKINNON: December, 1957.

Q. Did you ever meet Mr. Feeley prior to December, 1957?

A. I am sure I would.

Q. In what connection?

A. He would be in seeing Mr. Herman.

Q. Did you ever see them

socially?

A. Before December of 1957?

Q. Before December of 1957?

A. Not that I recall.

Q. Were you not a member of the Centre Road Veterans Club?

A. I know I went out there one night; whether I was a member or not.

Q. Your partner, Mr. Herman, filed as an exhibit at the hearing held by Mr. Cudney, as to the cancellation of that club's charter, a list of members, and that is filed here as Exhibit 45, and the third name your partner has on this list is Walton C. Rose?

A. My former partner.

Q. I am sorry, your former partner. You say you were only out there once?

A. I was out there one night and I was admitted and there were certain documents, guest registration or membership, I don't know, that I signed and that is the only time I recall being out there.

Q. Were you out there with Mr.Humphrey at that time?

A. No.

Q. Mr. Herman never took you out?

A. No.

THE COMMISSIONER: Q. You never paid a membership fee?

A. No, not that I recall. I don't think so.

Q. You have a very poor memory?

A. This was a couple of years ago.

Q. You could not remember what happened in the last few hours?

A. That wasn't within the last few hours. I believe I asked to look at it yesterday afternoon.

MR. MacKINNON: Q. This report was dated May the 7th. That is not very long ago. I will be coming to your memory in a moment, if I may, Mr. Rose.

A. That is your pleasure.

Q. If I can ask you if you knew what business McDermott and Feeley were in prior to December, 1957?

A. I knew they had something to do with the Cooksville Club.

Q. And the occasion on which you went out there, was this, once again, prior to December, 1957?

A. I don't know.

Q. Did you ever go on any trips with these gentlemen at any time, apart from your trip to Windsor and Detroit?

A. No, sir, I didn't.

Q. You are not a fisherman, I take it?

A. Yes, I am.

Q. But they never invited you to go with them?

A. No.

Q. Didn't they?

A. Did McDermott or Feeley?

Q. Yes.

A. No.

Q. Never up to Moosonee?

A. No.

Q. Then, did you play any part in May, June or July of 1957 when you were a partner of Mr. Herman's in the securing of provincial charters for these three clubs we have been hearing about?

A. No.

Q. Were you consulted at all?

A. By whom?

Q. By Mr. Herman or his clients in this connection?

A. As to obtaining of charters?

Q. Yes, that is right.

A. Not that I recall.

Q. Were you such a partner at that time that you would have received a portion of the fees charged for the services rendered by Mr. Herman to these gentlemen in the obtaining

of these charters?

A. The firm was divided up into percentages and each partner took a certain percentage of the net profit.

Q. Are you aware of the fees charged for the securing of these three charters?

A. I couldn't tell you at this moment. Whether I was aware at the time, I don't know.

Q. You have no idea as to the amount?

A. No, I have no idea as to the amount. Mr. Herman ran his part of the practice, Mr. Moses ran his part and I ran my part.

(Page 4215 follows)

MR. MacKINNON: Q. And I take it from what I have heard so far, that you only really became involved with these people, McDermott and Feeley, for the first time in a business way in December of 1957?

A. Well, the first time I recall having any close contact with McDermott was in December of 1957; I don't recall anything prior to that time. I stand to be corrected but I don't recall.

Q. With either McDermott or Feeley?

A. I don't recall being involved in business deals with Feeley or McDermott on a solicitor and client basis, where I was acting for them, before that time.

Q. On this trip which you say you took by T. C. A., did McDermott go with you?

A. As I recall it I was with Lou Herman; that is the best of my recollection.

Q. Were you with anybody else?

A. I don't recall any other person being with us.

Q. You also told us today, and on the last occasion you gave evidence, that you were met by some people at the airport. Curly Gardner was one of them?

A. I think there were two or three people met us at the airport.

Q. Was Joseph McDermott one of the people who met you at the airport?

A. I don't know. The only person I recall in the group was Gardner.

Q. And you were aware, as you left Toronto, that there were four solicitors already -- or, counsel, I will put it that way, already engaged for the four accused. Just what was your role to be in this?

A. I don't think that I ever said when I left Toronto I already knew there were four solicitors or counsel engaged for the accused. I knew there were other counsel involved in the matter, and when I was there I met some of the other counsel. Mr. Arthur Martin I knew; Mr. Cohen I didn't; Mr. Allen, I didn't know him.

Q. You had been seven years in practice at that time?

A. That is correct.

Q. And you were a partner in the firm?

A. That is correct.

Q. And you say you really did not know what function you were to fulfil when you left Toronto? You were being brought along by Mr. Herman?

A. I was going along with Mr. Herman.

Q. You did not ask any question?

A. I would ask the normal questions. Listen, I didn't mind the trip down to Windsor. My impression was I was going down there and what Mr. Herman was going to do, I had a vague idea about it. I was one of his partners.

I did a lot of criminal work. I was going along with him, period.

THE COMMISSIONER: Q. Didn't he do any criminal work?

A. He didn't do the amount I did. Oh, yes, Mr. Herman did then and still does some criminal work.

Q. A substantial amount?

A. I wouldn't say so. I would say that Mr. Herman at that time, and probably up until the time of the dissolution of the partnership, that I don't think that criminal work would occupy more than ten percent. of his practice; at that particular time my practice was about 90 percent. criminal.

MR. MacKINNON: Q. You would know Mr. Martin was already engaged?

A. I would probably know.

Q. And David Humphrey, he was there?

A. Yes.

Q. You knew he was there?

A. Yes.

Q. And he was involved. Just what were you to do?

A. I have already answered you.

Q. You were to hold Mr. Herman's hand down there?

A. We weren't that intimate friends, Mr. MacKinnon. You might know more about that than I do. I wasn't there to hold his hands.

THE COMMISSIONER: Q. Were you there sort of as a junior to him?

A. Yes.

MR. MacKINNON: Q. Mr. Humphrey said he was there to prove the charter, and you acknowledge that?

A. He was doing work for the Army, Navy, Air Force Veterans Club down there and my understanding of what Mr. Humphfey said, that somebody during the course of the proceedings would have to prove the charter, and I presume Mr. Herman would be the proper person to do so, and I presume he was the one who obtained the charter in the first place.

Q. That type of work was solicitor's work?

A. I would certainly think so.

Q. You are a criminal lawyer. You were going down as his junior on the solicitor side, weren't you?

A. I was going down as Mr. Herman's junior partner.

Q. I suggest you were going down, and you knew before you left, Mr. Rose, that you were going down to see if you could set up Inspector Hatch?

A. You suggest whatever you like, Mr. MacKinnon. You are completely wrong. If you have anything to back that up you show it to me.

Q. I am asking you the question?

A. I said,you are completely wrong.

Q. Anyway, apparently shortly after you got down this scheme was --

A. Hatched?

Q. Hatched?

A. If you wish to call it a scheme. This investigation was decided upon.

Q. I also suggest to you that Mr. Arthur Martin was not present?

A. At the time this was discussed?

Q. Yes?

A. I don't recall him being present; that is correct.

Q. And Mr. Humphrey said Mr. Martin was not present?

A. I am tempted to agree with him.

THE COMMISSIONER: Q. You are "tempted" to agree?

MR. MacKINNON: Q. Mr. Humphrey was present?

A. Yes.

Q. According to your best recollection?

A. Yes.

Q. And I suggest to you again, the reason that Mr. Martin was not present and why this was concocted in his absence was because you gentlemen knew Mr. Martin would firmly disapprove of this conduct?

A. Is that what you are suggesting?

Q. I am suggesting it to you.

A. You are wrong.

Q. It is purely coincidental that Mr. Martin was not present when this scheme was concocted?

A. He wasn't present when it was discussed.

Q. He was in the area?

A. He was within the vicinity of the city of Detroit or the city of Windsor I presume.

Q. That is right. And you had come down to discuss the case?

A. Discuss the case?

Q. Yes.

A. Who had come?

Q. You and Herman?

A. I had come down along with Herman.

Q. And your purpose was this prosecution?

A. I was there because I was his partner and there was a prosecution; that is right.

Q. And that is what Mr. Martin's purpose was, wasn't it?

A. Certainly, he acted for them.

Q. Why was not he at this meeting you conducted shortly after your arrival?

A. Are you saying that I conducted?

Q. That you people conducted?

A. Oh.

Q. We understand Mr. McDermott, from Mr. Humphrey, was the master of ceremonies when this meeting was conducted. Why was Mr. Martin left out?

A. I don't think Mr. Martin was left out on purpose. This was a matter that came up when Humphrey and Molsermott and myself and perhaps one or two other people were present. Mr. Martin just didn't happen to be there.

Q. Wasn't this a serious thing? You considered it as such?

A. I considered the allegation was serious.

Q. You were going to do something about it? At least, you were prepared to participate?

A. That is correct.

Q. In ascertaining whether the allegations were correct or not?

A. That is correct.

Q. According to the way you tell it. But wouldn't it be equally important for the leading counsel to be told about it? According to Mr. Humphrey Mr. Martin was not told until the date of the hearing?

A. Ask Mr. Humphrey that.

Q. I am asking you?

A. I have no idea.

Q. You considered it very important but not important enough to tell the senior counsel present?

A. I didn't see why I should tell him.

Q. Why not?

A. No. 1, I don't think it was my place to tell him. No. 2, he wasn't there at the time, present at the meeting.

Q. He was there subsequently, wasn't he?

A. Yes, but I am trying to recall whether or not this deal with Miller and Hatch, whether it took place in the evening of the day that this was discussed. I don't know. Originally I thought it took place the following day. I don't know. I did not tell Mr. Martin.

Q. So, we will just have to draw our own conclusions as to this answer?

A. If you wish, sir.

Q. You do not say you did not meet him afterwards, after this plan was conceived?

A. Did I meet Mr. Martin after?

Q. After that and before the hearing?

A. I don't know whether I did or not.

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BB/1/ON

THE COMMISSIONER: What else did you do down there, except --

A. What did I do down there?

Q. Yes.

A. I went down there and had a discussion, attended a discussion with the other counsel.

Q. You didn't participate in it?

A. I was present. I kept my mouth shut.

Q. I know you were present. Did you participate in it?

A. Not that I recall, sir. You asked me what I did down there. I will tell you. As a matter of fact, I enjoyed myself for a couple of days.

Q. You did not go down there for the purpose of enjoying yourself.

A. You asked me, sir, what I did. Not the purpose.

Q. Leave out, if you will, those things which you think amounted to enjoyment.

A. Yes.

Q. As Mr. MacKinnon says, what professional duty did you perform down there.

A. I don't recall. I discussed with Mr. Herman, I imagine, from time to time, when I was with him. I discussed the case with Humphrey at the time this rumour came up about Hatch.

Q. You keep persisting that it was a rumour.

A. Allegation, I think it should be.

Q. McDermott told it to you, according to you.

A. According to Mr. Humphrey.

Q. What other professional work did you do down there?

A. I would imagine --

Q. Don't imagine anything.

A. Well then, I don't recall.

Q. You don't recall anything else?

A. Aside from that. I was down there as Mr. Herman's junior lawyer - junior partner.

MR. MacKINNON: Do you know what you were told?

A. In effect.

Q. Don't you even know if Mr. Herman was at this meeting where this plan was conceived?

A. Mr. Herman tells me he wasn't. I don't know.

Q. In any event, it wasn't Mr. Herman who told you to do this, if he was not at the meeting?

A. No.

Q. It was you and Mr. Humphrey, I take it?

A. Yes.

Q. Who went along with it?

A. That is a fair way of putting it. That is right.

Q. You say you thought there may have been another person there who might have been a

lawyer, at this meeting. Could it have been Giacalone?

A. A person who might have been a lawyer? I don't know.

Q. You don't know whether he was a lawyer or not?

A. There was in my mind, I think there was a third lawyer there, and I faintly remember there was a couple of other people there.

Q. It could have been Giacalone?

A. I don't know. I would not know Giacalone if I saw him.

Q. That is not the question.

A. Was Giacalone there?

Q. You did not know Inspector Hatch, but you certainly met him on one occasion.

A. If you told me this was former Sergeant Hatch.

Q. But after, you did meet with Inspector Hatch.

A. No, I had a meeting with a Sergeant Hatch.

Q. I am not asking you if you know Giacalone to see him or not.

A. Was Giacalone there?

Q. Yes.

A. I don't recall Giacalone being there. I don't recall the name "Giacalone" mentioned to me at the time of the meeting as being one of the people present.

Q. You don't recall Giacalone going out to dinner?

A. I recall going out to dinner. Humphrey was there. Herman was there and I was there, and I think three or four other persons were there and we had dinner, and one of the other persons provided Humphrey with football tickets for he and I to go to the game, which must have been the next day. Who those people were, I don't know. They meant nothing to me.

Q. You were introduced to them?

A. I am sure I was.

Q. And one of them secured football tickets?

A. Yes.

Q. You don't remember if it was Giacalone?

A. I don't remember the names of the people.

Q. Now, according to this rumour which was fed to you by your client, Mr. McDermott --

A. Well, I would say he was Mr. Herman's client. He was technically a client of the firm, but he had Mr. Herman - Mr. Herman was his own solicitor.

Q. Let us not equivocate.

A. You say it was my client.

Q. Who was going to pay you? You were a partner in the firm.

A. I hadn't the slightest idea who was

going to pay the firm. That was Mr. Herman's responsibility to bill and collect.

THE COMMISSIONER: Q. You had a share in it?

A. Certainly.

MR. MacKINNON: Q. You were there as a solicitor, a professional representative for Mr. McDermott?

A. For Mr. McDermott?

Q. Yes, that is right.

A. I understood that it was for the club.

Q. For whom?

A. I understood he was down there acting on behalf of the club.

Q. Do you know who paid your fees?

A. I have not the slightest idea.

Q. You never found out?

A. No. Wait a minute. I asked Mr. Herman, after this enquiry started, about the fees that were paid on the December trip of 1957, and Mr. Herman produced to me - he went and got a ledger sheet, and I think that that ledger sheet shows a bill due to Gardner. I am not sure. He has got the ledger sheet. He will probably bring it with him. I think it was to Gardner and I remember a sum of $1,000.00 in there, I believe. I am not sure.

Q. Gardner has told us that McDermott paid his bill.

A. I don't know. It may be. All I know, I looked at the ledger sheet Mr. Herman produced to me.

Q. In any event, this rumour was that there was some improper inducements being offered by Inspector or Sergeant Hatch, if you like, to secure evidence, and you felt that was a serious allegation and it should be investigated; is that correct?

A. If the allegation turned out to be true, it was a serious matter, yes.

Q. That is right. You felt it was serious enough, before you knew whether it was true or false, that you were going to participate in investigating it?

A. The only way to find out was to check it.

Q. That may be so. Did you not consider Mr. Humphrey did, when his clients were receiving threatening letters from Mr. Gardner? Did you not think of the possibility of going to the commissioner or assistant commissioner of the Provincial Police?

A. Of the Ontario Provincial Police?

Q. Yes.

A. I didn't consider it for a moment.

Q. Why not?

A. Well, number 1, we were in Windsor. Number 2, this allegation was communicated to us. Number 3, the matter could be done quickly. And

it was, I would presume, doing it at the earliest opportunity, right then.

Q. I suggest to you, Mr. Rose, the real purpose you are doing this was to ascertain the strength or weakness of Sergeant Hatch's case against the club, and the accused.

A. I was participating, as you put it, in the way in which I was, because of the information that had been given to me.

Q. By McDermott?

A. Yes.

Q. Then you are not too sure what his purpose was then, in having you investigate this further?

A. I can't read his mind. I didn't know McDermott that well.

Q. But you did know the business he was in?

A. I knew that he had something to do with the Cooksville Club.

Q. You knew he had something to do with this club too, didn't you?

A. No, I didn't.

Q. What was his interest in this club? How was it explained to you how he was master-minding this?

A. I did not ask him what his interest was in the personnel of the club or the club. Whether he had a financial interest in the club or not, I did not know, and I do not know to this

day.

Q. I take it, you don't deny you lied to Inspector Hatch, Sergeant Hatch, when you met him?

A. That I lied to him?

Q. Yes.

A. Certainly.

Q. Do you consider that a proper function for an officer of the court?

A. I considered it this way, if the allegation had turned out to be true and could be shown to be true then, I certainly was not acting improperly. And as I say, I was more than pleased, pleased to find out there was nothing to it.

Q. You did take the oath as a solicitor and barrister, I take it?

A. Yes.

Q. I wonder if I could refresh your memory, first of all as to the solicitor's oath?

"I do swear that I will truly and honestly
"demean myself in the work of a solicitor."

Do you consider you were honestly demeaning yourself, as a solicitor, carrying out this scheme?

A. I considered it then and I consider it now that I was doing nothing improper, having regard to the information which had been communicated to me.

Q. You think that is proper solicitor's

duty?

A. To find out if a police officer is bribing witnesses?

Q. You wouldn't go to his superiors?

A. That was one way of doing it, Mr. MacKinnon, unless the superior was in on the play. I don't know.

Q. Are you suggesting that was also rumoured?

A. I am not suggesting that at all. I said it would be proper to go to the superior, to a superior officer, but who was to know that superior was not part of a scheme which has been alleged?

Q This would include the Commissioner, too?

A. Which Commissioner?

Q. The Commissioner of Police, Mr. Rose.

A. Well, other persons had suspicions of the Commissioner of Police and he has given evidence about it.

MR. MacKINNON: I haven't heard it.

THE COMMISSIONER: I haven't, either.

THE WITNESS: I understood Mr. Shrubb to say that he was slightly suspicious of Commissioner McNeil.

MR. MacKINNON: He said nothing of the kind. The Commissioner here asked him the question and he said: "Absolutely not".

Q. Then after —

THE COMMISSIONER: Excuse me, Mr. MacKinnon. Are you sure of that particular phase of it?

MR. MacKINNON: No, I am not.

Q. After you had told Sergeant Hatch, now Inspector Hatch, who you were and what you were and what had happened to you, all of which was false, you apparently came to the conclusion that Sergeant Hatch was incorruptible and you were satisfied?

A. No, I came to the conclusion he was not corrupt. There is a slight difference.

Q. Do you have any other information that you have not told us about Inspector Hatch, that might indicate that he was corruptible?

A. That he was corruptible?

Q. Yes.

A. No, just a rumour I told you about and the allegation.

Q. So then, after you came to that conclusion on Inspector Hatch, you heard his evidence, it was your cross-examination, it was very clear you had made the offer to him of: "let us go out," if you don't like the word babes, "with a couple of girls".

A. "A couple of swell babes".

Q. You don't deny that, of course, because you don't remember much of this conversation.

A. I don't recall saying that to him.

Q. Now Inspector Hatch has sworn affirmatively this happened, and he also swore it was made, in his view, seriously. There was no jocular manner about it. Why would you issue such an invitation unless it was to implicate Sergeant Hatch?

A. Are you finished?

Q. Yes.

A. If I said such a thing to him, and I do not recall so doing, he is entitled to his opinion as to whether it was made seriously or not. But when he swore that/in his opinion it was made seriously, he was quite wrong.

Q. Your answer to that was, you didn't have any connections in Detroit, but McDermott and Giacalone had lots of connections in Detroit, didn't they?

A. Do you suggest I would take Mr. Hatch and his partner back and let them meet Mr. McDermott and say: "Fix up Hatch and his partner"?

Q. They did have connections in Detroit?

A. I have no idea of Mr. Giacalone's connections at that time -- Mr. Giacalone's business connections or anything about Giacalone. As far as Mr. McDermott's connections in Detroit were concerned, the only connection he had demonstrated to me is that he knew a man named Miller.

Q. You did not go out with any girl on the evening of December 27th or 28th, 1957?

A. No.

Q. You had met no girl that evening?

A. I don't recall any female being around at all.

Q. Could it be possible?

A. I don't think so.

Q. You won't deny it?

A. I don't recall being with any girl--any girl being present that night.

THE COMMISSIONER: Oh, no.

THE WITNESS: Yes, sir?

THE COMMISSIONER: That is not the question. Listen to the question.

MR. MacKINNON: Q. Do you deny that that evening, after you met Sergeant Hatch, if you prefer, that you did not go out with a female?

A. That I went out with a female?

THE COMMISSIONER: Oh, Mr. Rose.

THE WITNESS: That is exactly what he said.

THE COMMISSIONER: Q. You have got good hearing. You don't need to repeat the question. Just concentrate on it and answer it.

A. I deny I went out with a female.

MR. MacKINNON: You sound like Curly Gardner now, Mr. Rose.

A. You sound like something else.

THE COMMISSIONER: All right, now. You

just answer the question.

MR. ROSE: I deny that I went out with a female?

THE COMMISSIONER: It is nauseating to have you repeat it and mumble it over. You know whether you did or you didn't.

THE WITNESS: I don't recall going out with any female.

MR. MacKINNON: Q. You don't deny it?

A. I don't recall it.

Q. Just like the rest of your evidence?

A. No, it is not like the rest of my evidence, Mr. MacKinnon.

Q. You don't remember. Would it help you if you had some recollection of where you went that night?

A. It might.

Q. Do you remember?

A. If you would like to refresh my memory.

THE COMMISSIONER: Q. Do you remember?

A. I remember going back to the hotel. As I mentioned, I think we had a couple of drinks. I don't know whether we went out to eat or not.

MR. MacKINNON: Q. You don't remember anything else?

A. That is as far as I recall at the present time.

Q. I have read you your oath as a solicitor, Mr. Rose. May I refresh your memory

with the oath as a barrister, and in part it says:

"You shall not pervert the law to favour "or prejudice any man, but in all things "shall conduct yourselves truly and with "integrity. In fine, the Queen's "interest and your fellow citizens you "shall uphold and maintain according to "the constitution and law of this "Province."

Do you feel you conducted yourself with integrity when you were dealing with Sergeant Hatch?

A. Yes, having regard to the allegation that had been made.

Q. Did Mr. McDermott tell you where he had received this rumour?

A. No.

Q. You did not ask him? Apparently you don't ask questions. But did you ask him, on this occasion, the source of his information?

A. I've no recollection of him giving the source of his information and I do not recollect asking him. I doubt I would ask him or that I asked him.

EXAMINED BY MR. REID SCOTT:

Q. Mr. Rose, I am not going to ask you any questions about the incident down in Windsor because I don't think anything I can ask will refresh your memory, but I would like you to go back to the report you told us about at the beginning of your evidence. Who made this report?

A. Which report is this?

Q. The report you told us you received from somebody at the table represented by the Attorney-General.

A. Yes. That is the report I asked to have a look at and was allowed to look at. It was sitting on my table.

Q. Who made the report?

A. I believe it was made by Mr. Rambottom.

Q. When did you first learn that this report was in existence?

A. It was either yesterday or the day before. I thought at first it was yesterday. I think it was the day before yesterday.

Q. How did you know it was in existence?

A. I saw it and I believe either Mr. Common or Mr. Wilson was reading it.

Q. Which one was reading it, do you remember?

A. Either one of them was reading it and I was beside them and I said: "May I have a look at that?" And they immediately let me look at it. I said: "May I have it and borrow it for the time being?" and they said yes, as long as I returned it.

Q. Do you wander around tables and ask for things that other people are reading?

A. Occasionally I have looked at things, yes, certainly.

Q. Did either one of them draw it to your attention?

A. I don't know. I am sorry, I cannot help you there.

Q. It was only a couple of days ago. Did either one of them draw it to your attention?

A. My impression is that it was there and somebody was looking at it and I asked to look at it, and it was handed over to me. That is, as I remember it.

Q. Why would you go up to somebody who was reading a report and ask to look at it, if you haven't done it up until now?

A. I have many a time asked to look at something.

Q. Did you know what was in it when you went up to look at it?

A. No. I saw the report. I think I looked at it and saw it had to do with Corporal and Mrs. Shrubb and I looked at it and asked to

borrow it.

THE COMMISSIONER: Q. You must have got a pretty close look at it in order to see that it involved Mr. and Mrs. Shrubb.

A. It was on the stand, right there.

MR. SCOTT: Was it released into your custody over night?

A. Yes.

Q. By whom?

A. Mr. Wilson.

Q. By Mr. Wilson?

A. I think it was Mr. Wilson.

THE COMMISSIONER: Get the right Mr. Wilson.

MR. SCOTT: Q. You are not pointing to counsel for the Commission?

A. It was either Mr. Common or Mr. Frank Wilson. I believe it was Mr. Frank Wilson.

Q. Have you been advised by anybody, in any way, as to the existence of, or have you seen any other confidential police report on witnesses before this Commission?

A. The only other confidential report that I think I have looked at is one that was filed as Exhibit either 105 or 112 by Mr. Shrubb.

Q. To rephrase it, have you been advised by anybody as to the existence of, or have you seen any other police reports on witnesses before this Commission, other than the

exhibits that have been introduced?

A. Other than the exhibits and the document which I now have in my possession, on loan?

Q. Yes or no?

A. Are you including the other document?

THE COMMISSIONER: Yes.

MR. SCOTT: Yes, I am.

THE WITNESS: No, I haven't. I have seen no other confidential report.

THE COMMISSIONER: Is that all, Mr. Scott?

MR. SCOTT: Yes, I think so.

THE COMMISSIONER: Mr. Wilson?

MR. WILSON: No further questions. That is all.

THE COMMISSIONER: Just a moment. That will be all for now.

THE WITNESS: Thank you, sir.

---Witness retired.

MR. WILSON: I will call Deputy Commissioner Bartlett.

JAMES BARTLETT, sworn

EXAMINED BY MR. WILSON:

Q. You are Deputy Commissioner of the Ontario Provincial Police?

A. Yes, sir.

Q. When did you join the force?

A. On October 5th, 1927.

THE COMMISSIONER: Don't go too quickly, Mr. Wilson, please.

Q. You joined the force when?

A. October 5th, 1927.

THE COMMISSIONER: Yes.

MR. WILSON: Q. Now, what appointments did you have over that 35 years, leading up to the Deputy Commissionership?

A. From constable to sergeant.

MR. MacKINNON: I can't hear the witness.

THE COMMISSIONER: Keep your voice up.

THE WITNESS: From constable to sergeant, to inspector, staff inspector, senior staff inspector, assistant commissioner and deputy commissioner.

MR. WILSON: Q. Now, if I can fix the dates for those last three appointments. You

correct me if I am wrong. The appointment as senior staff inspector was October 1st, 1954.

A. I believe that is correct, sir.

Q. And the appointment as assistant commissioner, November 1st, 1955?

A. I believe that was actually January 20th, 1956.

THE COMMISSIONER: Don't get too close to the microphone. Stand back a little.

THE WITNESS: I was dated back to November.

THE COMMISSIONER: November 1st, what?

A. 1955.

THE COMMISSIONER: Yes.

MR. WILSON: Q. And then you were appointed to your present position as Deputy Commissioner on August 1st, 1958?

A. Yes, sir.

Q. During what period did the Anti-Gambling Branch come under your complete control and supervision?

A. The Branch was never under my complete control. The Anti-Gambling Branch was always directed by the Commissioner. Sergeant Anderson was in full charge and reported directly to him. However, I did have something to do with routine investigations, routine raids.

Q. Well now, I thought that for a period the administration of the Force -- you were under the Commissioner. You were the man to whom Sergeant Anderson reported, or his

predecessor?

A. Sergeant Anderson did send reports to me, but only routine reports such as, perhaps, a bookmaker in Brantford or a bawdy house in Tilbury, something like that.

Q. When you say "routine reports", what other reports of the Anti-Gambling Branch would you not see?

A. Those would be reports concerning the clubs mentioned at this inquiry.

Q. Well, you did have some knowledge of the activities of the Anti-Gambling Branch, with respect to the clubs in this province, during your period of office as Assistant Commissioner?

A. Yes sir, I did.

Q. And you attended various meetings at the Attorney-General's office in regard to clubs?

A. Yes--pardon. I attended two meetings there.

Q. What were the two meetings that you recall attending?

A. The first one, I believe, was the meeting on July 12th, 1957. I had received a telephone call late in the afternoon of July 11th from Mr. Bowman. Mr. Bowman gave me nine names of applicants for club charters and instructed that I be at Mr. Jamieson's office at 10:00 o'clock in the morning with Sergeant Anderson.

Q. Now, I want to be clear before we go into the details of that meeting. Prior to August 1st, 1958, for a period of years, exactly what were your responsibilities in regard to this Anti-Gambling Branch?

A. They were not a full responsibility, sir, as I have said. The Commissioner, himself, looked after this branch.

Q. How was it you were at this meeting at the Attorney-General's office or department on July 12th, 1957?

A. Commissioner McNeil was on vacation and the Deputy Commissioner was in hospital.

Q. And this, I believe, is your official police diary for 1957. And would you just read the entry or notation you made under date of July 12th, 1957.

A. "8:30 reported at the office.

"9:45 a.m. Sergeant Anderson reported." I had instructed him to do this on July 11th.

"10:00 a.m. we both returned to Mr.

"Common's office at Queen's Park."

Q. Have you any--

THE COMMISSIONER: He hasn't finished reading it, has he?

MR. WILSON: That is what I thought.

THE WITNESS: "Received instructions

"that personnel were not to park at

"gaming house premises and not to take

"names but to make periodical checks

"and, if observation warrants, to make
"the necessary raids without advice from
"headquarters. Mr. Common stated that
these instructions were from the Attorney-
"General."

Q. Pardon me. There is something further?

A. Yes. I returned to my own office and called District Inspector Ramsbottom at home, District Inspector Maraland at Niagara Falls, and District Inspector Five at Toronto, by telephone.

"Issued the instructions and told each
"inspector that they would be confirmed
"later by letter."

THE COMMISSIONER: Your diary hasn't been entered as an exhibit yet.

MR. WILSON: No, we will have that marked as Exhibit No. 143.

---EXHIBIT NO. 143: Diary of Deputy Commissioner Bartlett.

THE COMMISSIONER: Q. What is the date of that entry? July what?

A. July 12, sir.

MR. WILSON: Q. I show you a memorandum dated July 12th, 1957, that has been entered here as Exhibit 70. This is from the then Commissioner McNeil to District Inspector Hand of Number 5 District, and headed: "Re Army, Navy and Air "Force Veterans of Canada Club, Unit 326, Toronto

"Township. Confirming instructions
"received by you this date from Assistant
"Commissioner J. Bartlett of this General
"Headquarters, dealing with the marginally-
"named subject, I wish to advise that the
"personnel of the force under your super-
"vision must be instructed to discontinue
"checking drivers and taking names of
"occupants of vehicles entering the
"marginally-named premises. Periodical
"observations may be continued, and it is
"understood that if the results of such
"observations warrant a raid, appropriate
"action must be taken without further
"instructions from this general head-
quarters."

Now, is that the signature of the Commissioner?

A. Yes sir.

(Page 4250 follows)

CC/1/AD

Q. And that is dated July 12th, 1957?

A. Yes, sir.

Q. So, is that confirmation of the verbal instructions you gave on that date to District Headquarters 1, 4 and 5?

A. That is correct, sir. When I returned to the office I discussed the matter with Mr. Phelps. He is the Commissioner's executive assistant. We decided that the instruction, by letter, should go out over the Commissioner's signature, and this is it. (Indicating)

Q. And was the Commissioner at the office that day?

A. No, sir.

THE COMMISSIONER: Don't lean up against the microphone. Stand back from it.

THE WITNESS: Yes.

THE COMMISSIONER: Move it away from him so that he won't be tempted to lean against it.

THE REGISTRAR: Yes.

MR. WILSON: Q. He was not at the office?

A. No, sir, he was away on vacation.

Q. Vacation?

A. Yes.

Q. So somebody arranged to get him to sign that document that day?

A. It was sent to him.

Q. That is one occasion when you say you were present at a meeting in regard to these

clubs?

A. Yes.

Q. What was the other one?

A. I am not clear of the date of the other meeting. It was when Sergeant Hatch, Inspector Ramsbottom, Inspector Marsland from Niagara Falls, the Commissioner and myself had a meeting with Mr. Common.

Q. Well, I suggest to you that at that meeting - do you recall the date? Can you fix it by your diary? (Diary handed to the witness)

A. This is Wednesday, October 9th, sir.

Q. 1957?

A. Yes.

Q. And does it list the persons who were present at that meeting?

A. I don't have the list in the diary.

Q. Well, we have been told by Inspector Hatch that the following persons were present - Mr. Common, Commissioner McNeil, District Inspector Ramsbottom, District Inspector Hand, Sergeant Hatch, Inspector Marsland, Sergeant Anderson and yourself?

A. I believe that is correct, sir.

Q. Yes. Now, what is your recollection of the matters that were discussed on that occasion?

A. My recollection isn't too clear,

although I know that it had to do with a pending prosecution of the club at Windsor, the Roseland Club, I believe, sir.

Q. And do you recall ---

THE COMMISSIONER: Just a moment. It had to do with what?

A. A pending prosecution at the Roseland Club at Windsor.

Q. What do you mean by "a pending prosecution"?

A. Well, perhaps an intended prosecution.

Q. Which do you mean?

A. I understood it was pending.

MR. WILSON: Q. Do you mean by that that some plans had been made for some definite day to raid the Roseland Club?

THE COMMISSIONER: No, he did not say a raid; he said a prosecution.

MR. WILSON: I was a little confused about it. I was just trying to clear it up.

THE COMMISSIONER: He said he thought it had to do with a pending prosecution at the Roseland Club.

MR. WILSON: Yes.

THE COMMISSIONER: And I wanted to know what he meant before by "a pending prosecution".

THE WITNESS: I believe, sir, that Sergeant Hatch had some special information of some kind that needed some discussion.

Q. Had anybody been charged at the moment?

A. I think not, sir.

Q. Then it couldn't have been a pending prosecution?

A. No.

Q. What was it?

A. Perhaps an enquiry as to procedure.

MR. WILSON: Q. Now, in the course of this discussion about procedure, do you recall Inspector Hatch raising the question of a fund being made available to him to pay informers without disclosing the name of the persons to whom such moneys might be paid?

A. I do not recall that, Mr.Wilson.

Q. Well, it has been given in evidence here by Inspector Hatch that he did make such a proposal and that he asked you who the name of the informant was, or informants were.

A. Yes.

Q. Do you recall making such - asking such a question at that time?

A. I would have no earthly reason to enquire as to ---

Q. I am not asking you that; I am asking you whether or not you recall having asked such a question?

A. I do not.

Q. Do you deny on oath that you did

not ask such a question?

A. I must believe that the Sergeant is mistaken.

MR. MacKINNON: That is not an answer to the question.

THE COMMISSIONER: Will you repeat the question to him, please?

MR. WILSON: Mr. Reporter, would you repeat that question back to the witness, please?

THE REPORTER: "Do you deny on that "oath, you did not ask such a "question?"

THE COMMISSIONER: Thank you.

Q. Will you answer that?

A. Yes, I deny it. Might this be clarified, Mr. Wilson?

MR. WILSON: Q. Yes.

A. By the "informant" are you meaning the man Atwood or some other person?

THE COMMISSIONER: Well, whom did you have in mind when you said you denied the statement?

A. I have thought of an outside informant, sir.

Q. Who? Other than Atwood?

A. I knew - other than Atwood.

MR. WILSON: Q. What is your recollection as to what decision was reached in regard to this?

A. If by "informant" you are meaning Atwood, I already knew the name Atwood. This had been given to me by Commissioner McNeil.

Q. What I am putting to you on the basis of Inspector Hatch's evidence is that the name of the informant or informants to whom these moneys might be paid was not divulged at this meeting but you asked who the informant or the informants were?

A. I deny this emphatically.

Q. And Inspector Hatch has also said that Mr. Common agreed with his position or his stand that the name of the informant should not be divulged to that meeting. Have you any recollection of that discussion?

A. No, I do not.

Q. Where did you get any information about Atwood?

A. From Commissioner McNeil.

Q. Under what circumstances?

A. I think perhaps during a talk in his office the Commissioner said that he was a brother of a man who had been murdered. I remember the name clearly.

Q. Was there any discussion about this brother of the murdered man at this meeting on October 9th, 1957?

A. I don't believe so, sir.

Q. Now, do you know Joseph McDermott?

A. I met Joseph McDermott and Vincent

Feeley on one occasion.

Q. And what occasion was that?

A. On Sunday, July 7th ---

THE COMMISSIONER: What year?

A. 1957.

MR. WILSON: Q. Yes.

A. - I received a telephone call at my home from a man who said his name was Vincent Feeley.

Q. Yes.

A. He wanted to know if he could arrange an appointment with me for the following evening. I said that as far as I knew I would be at my home.

Q. Now, when you received that call and the man said he was Vincent Feeley, did you know who he was by reputation?

A. I knew of him by reputation.

Q. And what was your understanding of his reputation?

A. I believed him to be connected in the gambling business.

THE COMMISSIONER: Where?

A. At Cookaville, sir.

MR. WILSON: Q. Did he tell you when he phoned what the purpose of the proposed meeting was?

A. No, sir, he did not.

Q. And did you agree to see him?

A. I said that in all probability I

would be at home.

Q. And did he visit you?

A. On Monday evening - this would be July 8th - I answered the door and Vincent Feeley - a man who said he was Vincent Feeley - came in, and with him now he had Mr. Joe McDermott.

Q. Now, before we go to the notation which you have in your diary on July 8th, will you just tell us what notation you have for Sunday, July 7th?

A. Yes: "9 p.m., call from one Feeley re appointment for Monday evening".

Q. Just go on to the next date in your diary, which is Monday, July 8th, and tell us what notation you have there?

A. "8.40 p.m. FEEMEY AND
"MCDIARMID TO HOUSE CREAM
"CADILLAC - ABOUT ACQUIRING
"PROPERTY ON 400 HIGHWAY.
"THOUGHT ORDERS MAY HAVE
"BEEN ISSUED RE NEW POLICY
"FOR ANTI-GAMBLING BRANCH.
"KNEW C WAS ON VACATION
"AND DEP.IN HOSPITAL."

Q. Who was the person that you wrote in your book or your entry there for "McDiarmid"? Was that Joseph McDermott?

A. Yes.

Q. And the spelling isn't very good

in either case?

A. That is right.

MR. WILSON: (Speaking towards the rear of the room) Now, possibly, if the next witness is here, Mr. Martin would ask him to leave. Would you ask your client to retire?

MR. MARTIN: He is not here.

MR. WILSON: Oh, he is not here.

THE COMMISSIONER: Let me see that diary, please.

THE WITNESS: Yes, sir. (Diary handed to the Commissioner)

THE COMMISSIONER: Are you going to pursue that entry?

MR. WILSON: Yes, I am.

THE COMMISSIONER: About "Thought orders may have been issued re new policy"?

MR. WILSON: I am going through that, my lord. I just wanted to get the diary entry in.

THE COMMISSIONER: Very well.

MR. WILSON: Q. Now, they came to your house?

A. Yes.

Q. Now, who else was in ~~x~~ the house at that time?

A. I believe I was alone in the house. Mrs. Bartlett was outside in the yard.

Q. So any discussion you had with Feeley and McDermott on that occasion, there

were just the three of you there and nobody else could overhear what took place?

A. That is correct.

Q. Now, tell us exactly what was said on that occasion, as you recollect it.

A. McDermott said that they were interested in acquiring property on 400 Highway for the purpose of opening a gasoline station. I smiled at this, and I said, "I thought you people were in the gambling business". Now McDermott smiled and he said, "By the way, have there been any new instructions issued to your gambling bra_nch?" I said, "No, no new instructions". I could see now that they were there under pretense and moved towards the door and the meeting was terminated.

Q. Was that all that was said? Did you ask them why they came to see you about a deal on Highway 400?

A. Yes, sir, I did. I said, "Why would you come here?". McDermott, who did all the talking, said, "We understood that you had a good friend in the Department of Highways".

Q. And did he mention who the good friend was that he said you had in that Department?

A. He didn't mention it, no, sir.

Q. And you had never, as I understand

it, apart from talking to Feeley on the telephone, ever seen or met these gentlemen before?

A. That is correct.

Q. And was that the extent of their explanation about the proposal as to a service station on Highway 400?

A. Yes, sir, that is right. They didn't ask me for anything else.

Q. Well, what was your reaction to that?

A. Well,I could see they were there on pretence and moved towards the door. I don't think they were in the house more than four minutes.

Q. Then, when you made the notation in your diary on that date, "KNEW C WAS ON VACATION," what does that mean?

A. They knew the Commissioner was on vacation.

Q. Did they tell you that?

A. That is right, they wanted me to know they knew these things and also that the Deputy Commissioner was in the hospital.

Q. That would be Lougheed at that time?

A. Yes.

Q. And they told you that Lougheed was in the hospital, or that they knew he was in the hospital?

A. They knew.

Q. And what significance did they attach to those two statements?

A. I believe they just wanted me to understand that they know some things about the Department.

Q. Well, on that occasion did you also know, or as of that date did you also know McDermott's reputation?

A. Yes, I did.

Q. And what was the reputation that you knew he bore at that particular time?

A. As a gambling proprietor.

Q. Of what?

A. Cookaville Club.

Q. How long did this discussion take?

A. I don't think they were there more than four minutes.

Q. Now, after the meeting did you hear anything further from either McDermott or Feeley?

THE COMMISSIONER: Now it is time for a recess.

---Short adjournment.

---Upon resuming:

---The witness returned to the witness stand.

MR. MacKINNON: Mr.Commissioner, before Mr. Wilson continues with this witness, I would like to request that Mr. Rose's evidence

as to how this confidential report got into his possession should be dealt with. Apparently it is addressed to Mr. F.L. Wilson, and I want to emphasize to your lordship that I have not seen this even in passing, this report.

THE COMMISSIONER: Yes.

MR. MacKINNON: I think Mr. F.L. Wilson should be called to the box to explain how his confidential report got into the hands of Mr. Rose, who was acting for McDermott, Feeley and Wright in this hearing. I think this would be an appropriate time to introduce it. I have only discovered this as a result of asking Mr. Rose some questions, and I think this matter should be gone into at this stage.

MR. REID SCOTT: We are in a similar position. This report has not been made available to us, and I would like to support Mr. MacKinnon.

THE COMMISSIONER: The situation won't change overnight.

MR. MacKINNON: I beg your pardon, sir?

THE COMMISSIONER: The situation won't change over night, and I don't want this particular witness interrupted at this stage.

MR. MacKINNON: I should point out in fairness to Mr. Roly Wilson that Mr. Wilson's junior has told me that they had the report a day or so and they didn't intend to give me

a copy unless and until it went into evidence.

THE COMMISSIONER: Well, you have made your application, but I will not interrupt this witness.

MR. MacKINNON: All right, thank you, sir.

THE COMMISSIONER: Yes, Mr. Wilson.

MR. WILSON: Q. At the adjournment I was asking you whether you had heard anything further from either Feeley or McDermott after this visit by these two men to your home on July 8th, 1957?

A. Nothing, sir.

Q. Now, I direct your attention to an entry in your diary of 1957 on July 30th.

A. Yes.

Q. Do you have the diary there?

A. Yes, sir.

Q. What is the entry that you have there?

A. "Flowerpot 5.30 p.m."

MR. MacKINNON: What was the date? July 30th?

THE COMMISSIONER: Yes.

MR. MacKINNON: And has the day been given?

THE WITNESS: It is a Tuesday, Mr.MacKinnon.

MR. WILSON: That entry, "Flowerpot 5.30 p.m." under date of July 30th is printed in pencil?

A. Yes, sir.

Q. And am I right in saying that, apart from an entry on July 29th, where there are some words that are printed in pencil that I can't read - possibly you can ---

THE COMMISSIONER: What are they?

MR. WILSON: I was just going to get the witness to read them, my lord.

THE COMMISSIONER: Very well.

THE WITNESS: "Paul Bower Chicago, compassionate message."

MR. WILSON: Q. Would you agree with me that that pencilled notation on July 29th and the one you have read on July 30th, which are back to back, are the only two entries in this diary which are in pencil?

A. I would say yes, sir.

Q. Now, just tell us the explanation of this entry, "Flowerpot 5.30 p.m." on Tuesday, July 30th?

A. That year Mrs. Bartlett went to business. As a rule,I picked her up at five o'clock every night. We got home about twenty minutes after five. This particular night, Tuesday, July 30th, at 5.30 the telephone rang. I answered the phone and a voice said, "Mr.Bartlett?". I said, "Yes". He said, "We have left a parcel for you under your back steps". He said, "If you have a look for it, I will call you back".

Q. Did you recognize the voice, or

did you think you recognized the voice?

A. No, sir, I did not.

Q. Was that all that was said on that call?

A. On that particular call, that was all.

THE COMMISSIONER: Let me understand. The voice said, "We have left"?

A. Yes, sir.

Q. "a parcel for you under your back steps"?

A. Yes.

Q. And what was the rest of it?

A. "If you have a look for it, I will call you back".

MR. WILSON: Q. What time was that call?

A. Five-thirty, sir.

Q. And, as a result of that call, what did you do?

A. I went outside.

Q. And were you accompanied by your wife?

A. Yes, she came with me. I asked her to come out.

Q. Yes.

A. After two or three minutes, in a flowerpot under the back steps, I located a roll of bills secured with a rubber band. I picked it up, took it in the house, and my

wife and I counted them.

Q. And what denominations were the bills?

A. The bills were in tens and twenties.

Q. And what did they total?

A. $1000.

Q. What did you do next?

A. I rolled the money up as I had found it and put it back in the flowerpot.

Q. This, you say, was on a Tuesday, July 30th?

A. Yes, sir.

Q. Are you quite sure it was on a Tuesday?

A. Yes, sir, I am. I made the notation in my diary the first thing in the morning.

Q. The first thing the next morning?

A. Yes, sir.

THE COMMISSIONER: Just a moment. Where?

A. At my office, sir.

THE COMMISSIONER: Yes.

MR. WILSON: Q. That is there you keep your police diary?

A. Yes.

Q. At your office at Headquarters?

A. Yes,sir.

Q. Then did you report the incident to any other person in the Ontario Provincial

Police?

A. No, sir, I didn't.

Q. Why not?

A. The Commissioner was still away; the Deputy Commissioner was still in hospital.

Q. Now, is it not standard police practice to report - make a report in respect of that type of happening?

A. Yes, sir, I believe it is standard.

Q. And you made no report, you say, because the Commissioner was away on vacation?

A. Yes.

Q. And the Deputy was ill?

A. That is right.

Q. How soon after the date you made that entry, which would be July 31st, I take it, if you made it the next morning, did the Commissioner return to the office?

A. He came back some time in August but he was away a great deal. He was ill.

Q. But you didn't take steps to report it to him?

A. I made several attempts to report it but the opportunity just never presented itself. I even went to his home and there was company athere. I fully intended to tell him about it.

Q. I show you an entry in your diary under August 6th, "Commissioner returned"?

A. Yes.

Q. Does that mean that the Commissioner returned to the office on that date?

A. Returned from vacation.

Q. Now, you say it was not possible for you to have made a written report to the Commissioner?

A. Yes, sir, it was possible, but I didn't do it.

THE COMMISSIONER: Why?

A. I made several attempts to tell him first ---

Q. Why didn't you make a written report?

A. I don't know that there is any particular reason, sir.

Q. There must be some reason?

A. I can only say that he was ill and he wasn't there very much.

Q. It would have been a very easy matter to make a written report and see that it got on to his desk and when he did come he would see it. Did that occur to you?

A. By the time he returned, my lord, I had had this money returned.

Q. Never mind that. Did it not occur to you that you could have made a written report and had it placed on his desk and when he got to his desk he would have received it?

A. I did think of it, but I didn't do it.

Q. Well, why?

A. I can't tell you.

Q. Can you think of any reason now why you didn't do it?

A. No, sir, except his illness.

Q. Well, did you know who had left the money in the back porch? You say you returned it?

A. Yes.

Q. You must have known who left it there?

A. I thought I had an idea who left it there.

Q. Well, whom did you return it to?

A. I called a friend.

MR. WILSON: Q. Maybe I could get the chronology of it.

THE COMMISSIONER: Yes, you lead the witness.

MR. WILSON: Q. After you put this money back in the flowerpot, did you have any further calls from anyone about the parcel, or whatever itwas called, that was left in the flowerpot? Did you have any further calls from the caller who had called you to tell you there was a parcel in the flower-pot?

A. The same man - the same voice -

called and wondered if I had found the parcel.

THE COMMISSIONER: When?

A. About twenty minutes later, sir.

MR. WILSON: And what did you say?

A. I said, "Yes, I've found it. You had better come and take it out of here".

Q. And what did he say?

A. He laughed.

Q. Is that all?

A. I hung up.

Q. This would be on July 30th?

A. The same night.

Q. Did you hear further from the same person after that date?

A. Yes, I heard from the same voice both nights following. This would be Wednesday and Thursday of the same week.

Q. And what did he have to say on those occasions?

A. I spoke rather loudly to him and told him to get the money out of there. In the meantime, I kept an eye on the house during the day to see if anybody was around, and nobody turned up.

Q. Do you mean you had your own house under surveillance?

A. That is right.

Q. And you had your calls, then, on Wednesday and Thursday?

A. Yes, sir.

Q. And were those all the calls you had?

A. Yes, sir, that would be four all told.

Q. When you say "four all told", there would be the one on Tuesday, one on Wednesday and one on Thursday. Now, when was the fourth?

A. Well, I am thinking of the previous call for the appointment, Mr. Wilson.

Q. Well, was it the same voice that called on Tuesday, Wednesday and Thursday?

A. Yes, I would say it was the same voice.

Q. In other words, the same voice that identified himself to you as being Vincent Feeley?

A. That is right.

Q. Then, after the calls on Tuesday, Wednesday and Thursday, what was the next development?

A. My prime purpose was to ---

THE COMMISSIONER: What was the next development?

A. On Saturday morning - this would be August 3rd ---

MR. WILSON: Have you any entry in there on August 3rd?

A. No entry, sir.

Q. You didn't make any entry?

A. No.

Q. You were going to tell us about something that happened on August 3rd?

A. Yes.

Q. What did happen?

A. I called a friend whom I thought might know Mr. McDermott and Mr. Feeley. I said that I'd like to see him. He came to my home and I asked him if he knew them and he said he didn't.

Q. Who was the friend that you called and who came to your home?

A. A Mr. Keohe.

Q. How do you spell that?

THE COMMISSIONER: What is his first name?

A. Clayton.

Q. Clayton?

A. Clayton Keohe.

MR. WILSON: Q. How do you spell that?

A. I believe is K-e-o-h-e.

Q. And had you known this Clayton Keohe before this time?

A. Yes, I had known him for some years.

Q. And in what connection?

A. I first knew him as a nodding acquaintance at the Embassy Hotel, where he is a joint proprietor. Later I got to know him while staying at the Belvedere Hotel in

Parry Sound. He is also a joint proprietor there. I stayed there on two occasions for one night while working in the north country.

Q. Well, over what period of time prior to this call you made to him on August 3rd, 1957, had you known Clayton Keohe?

A. I would say ten years.

Q. And what made you think that Clayton Keohe could be of assistance to you in regard to this matter?

A. I knew that he gambled in his younger days.

Q. Had you any knowledge of his association with gambling in the City of Toronto?

A. Yes, I had heard that he gambled extensively.

Q. Yes.

THE COMMISSIONER: In his younger days?

A. Yes, sir.

MR. WILSON: Q. Well, was that prior to the time you first met him?

A. Oh, yes, sir.

Q. So you turned to Clayton Keohe and asked him to come to your house?

A. Yes, sir.

Q. And when he came to your house what did you ask him to do?

A. I took him around to the back porch and showed him the money in the flower pot.

It was still there. I asked him if he knew McDermott or Feeley. He said he didn't. I asked him if he could have this money returned. He said he would see what he could do. I gave him the money and he took it with him.

Q. Now, this was a Saturday?

A. Yes.

Q. What time ofthe day was it?

A. Saturday morning. It would be about ten-thirty or eleven o'clock.

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Q. Was yourwife there?

A. My wife was at business on the Saturday morning.

THE COMMISSIONER: Hold everything for a minute. You asked him if he could get the money returned and he said he would see what he could do?

A. Yes, sir.

Q. You gave the money to him?

A. Yes, sir.

Q. For what purpose?

A. To have it returned.

Q. Well, he had not suggested he could return it.

A. It was my suggestion, sir.

Q. Yes,but he had not suggested that he could return it?

A. Except that he said he would see what he could do.

Q. Supposing he could not do anything, then what?

A. Well, then he would have brought it back.

Q. You think he would have brought it back to you?

A. I would think he would.

Q. You gave him the money and he left?

A. Yes, sir.

Q. With the money?

A. With the money.

A. By wife was at business on the
[illegible] morning.

THE COMMISSIONER: Hold everything for
a minute. You would like it be recall for the
money returned and he said he would see what
he could do?

A. Yes, sir.

Q. Was give the money to him?

A. Yes, sir.

Q. Was there any promise?

A. To have it returned.

Q. Well, he has not suggested he
would return it.

A. It was my suggestion, sir.

Q. [illegible] he had any suggestion that
he could return it?

A. Except that he said he would
see what he could do.

Q. Supposing he could not do
anything then about
it then?

A. Well, then he would have brought
it back.

Q. Was truth he would have brought
it back to you?

A. I would think he would.

Q. You gave him the money and he left?

A. Yes, sir.

Q. With the money?

A. With the money.

Q. And this was what time?

A. I believe about eleven o'clock Saturday morning.

MR. WILSON: Q. And did he come to your place in his own car?

A. I believe I picked him up, Mr. Wilson.

Q. You went and picked him up with your car?

A. Yes.

Q. And when you handed over the money to him, did you go with him?

A. I drove him down to his hotel.

Q. What hotel was that?

A. The Embassy Hotel.

Q. Did you leave him there?

A. Yes, sir, I did.

Q. Did you hear further from him after that?

A. Yes, sir, I did. He called me, I believe, about Tuesday and he said he had returned the money.

Q. And did he tell you to whom he had returned the money?

A. Yes, he had, he said he gave it to Jack Riggs.

Q. And what his explanation for giving the money to Jack Riggs?

A. Apparently he thought Riggs perhaps knew something about it or would know

where it had come from.

On the following Thursday the same voice called again on the telephone, said, "Mr. Bartlett, I am sorry you cannot see things our way. Perhaps we can get together another time".

Q. Is this the same voice?

A. Same voice.

Q. And what did you say?

A. I hung up on him.

Q. And did you hear anything further from that voice or those persons after that time?

A. I have never heard it since.

Q. And since August of 1957, have you ever made a report of this incident to any of your superiors?

A. Yes, I told the present Commissioner about it when he was appointed in 1958.

Q. He was appointed on August 1st, 1958?

A. Yes, sir.

Q. It was following his appointment you say you told him about it?

A. Yes, sir.

Q. What did you tell him about it?

A. I took him up to the house and showed him the whole plan.

Q. Why did you wait for a year to tell anybody at the Headquarters about this

incident?

A. I can't tell you that, sir. The several times that I have made attempts to tell the Commissioner about it, the opportunity just did not present itself.

THE COMMISSIONER: For a whole year?

A. Yes, sir.

Q. Do you expect me to credit that? That a whole year went by and you had no opportunity to report this to the Commissioner? That is what your evidence is?

A. I could have reported it in writing but I did not.

Q. You say throughout the whole year you had no opportunity to report it verbally even?

A. The Commissioner was away the biggest majority of thatyear, your lordship. The Deputy Commissioner was in the hospital. I was the next man.

THE COMMISSIONER: Right, Mr. Wilson.

MR. WILSON: Q. You are familiar no doubt with what has been known as Constable Scott's reports?

THE COMMISSIONER: I was just looking for that. What is the number of that exhibit?

MR. WILSON: Exhibit 61. Would you give the Commissioner a copy of that?

THE WITNESS: I have only read them in the press.

MR. WILSON: Q. Well, I will show you a copy of an entry, Exhibit 61. It is the sixth report dated April 14th, 1960.

THE COMMISSIONER: Just give me the page.

MR. WILSON: Page 17 under date of April 12th, Item 26, and here Constable Wright (as he was at that time) is reported as having said to Constable Scott ---

THE COMMISSIONER: He joined a certain organization.

MR. WILSON: That you joined a certain organization to further ---

THE COMMISSIONER: That he joined.

MR. WILSON: Q. That he (Wright) joined a certain organization to further his friendship with you. All I want to know from you, did he join an organization of which you were a member?

A. Yes, he did.

Q. And do you recall the year that that occurred?

A. I would think that would be 1955.

Q. At page 23 of Exhibit 61, which is the eighth report, where Scott says under date of May 4th, 1960:

"I phoned telephone number Crescent "8-3783 at approximately 7.30 p.m.

"The usual party - - -"

THE COMMISSIONER: Usual voice.

MR. WILSON: It says "the usual party" in my copy.

THE COMMISSIONER: It is "usual voice" and then brackets and "Joe McDermott".

MR. WILSON: "Usual party" in my copy. Mr. Commissioner has the original probably.

THE COMMISSIONER: I have the original.

MR. WILSON:

". . . (Joe McDermott) answered.
"I told my contact that there was
"noth_ing doing this evening. He
"asked me how the raid went --- "

MR. MacKINNON: May 5th, you mean?

MR. WILSON: May 5th, I mean.

"The usual party" and brackets ---

THE COMMISSIONER: Well, that is the way ---

MR. WILSON: "The usual party (Joe
"McDermott) answered the phone. I
"started to tell my contact that the
"club at Niagara Falls would be raided
"this evening, but before I could tell
"him he said that he knew and that
"Jimmie Bartlett had signed a warrant
"and had told him. (This was stated
"in almost a joking manner)"

Have you ever at any time disclosed to Joe McDermott or anybody else any information about any warrants that you have signed for raids on any premises by the Anti-gambling squad?

A. Never in my life, sir. This is nottrue.

Q. On page 26, which is the ninth report under date of May 17th, item (a), where Wright is reported as having stated to Scott:

"Deputy Bartlett receives money "from Joe McDermott for advising "him when he signs a search warrant "relating to the clubs. At some "time in the past Deputy Bartlett "received $2000 from Joe McDermott "for the aforementioned reason, "this taking place at a party "attended by the Deputy, Jim Maloney "and Joe McDermott."

Now, what do you have to say as to that?

A. This is not true. So far as I am concerned there was not any party.

Q. Well, first of all, have you ever received any money from Joe McDermott or from anybody paid to you on his behalf?

A. No, sir.

Q. Now, you know Jim Maloney or did you know Jim Maloney?

A. I met Mr. James Maloney on two occasions, both of them in the Commissionér's office, Commissioner McNeil.

Q. Commissioner McNeil, under what circumstances?

A. Mr. Maloney was friendly with Commissioner McNeil, and this just happened on occasions when I entered his office and Mr. Maloney was there. This is the only time I have ever met Mr. Jim Maloney.

THE COMMISSIONER: Excuse me, when would that be?

A. I would think, sir, perhaps once in 1956 and once in 1957 as near as I can recall.

Q. What part of 1957?

A. I would say summer time, sir. I can't recall the date.

Q. Before or after the thousand dollars was left on your veranda?

A. Oh, some time before, sir.

THE COMMISSIONER: All right.

MR. WILSON: Q. Were you ever at a party where Jim Maloney and Joseph McDermott were present?

A. Never.

Q. When were you appointed a Justice of the Peace?

A. I believe in July, 1955.

Q. Now, you told us that you told Commissioner Clark about this incident of the flower pot after his appointment as Commissioner. Did you ever tell Mr. Phelps, the Executive Officer in the Ontario Provincial Police?

A. I believe I may have told Mr. Phelps. I would say I did.

Q. Can you tell us approximately when that might have occurred?

A. Well, it is within thelast year.

Q. Well, would it be in the fall of 1961?

A. I can't say. I can't give a date for it.

Q. And did you give him any explanation as to why it had not been reported officially?

A. No, I did not.

Q. In this diary under date of June 25th, I see "Called by J. A. at office". Who is the "J.A." referred to there?

A. That is James Allan.

Q. And then on July 5th, "Called J.A. refused at office". What is that?

A. It was offering me a position. I returned his call and refused it.

Q. Offering you a position? What type of position?

A. With his Department.

Q. What type of position were you being offered in his Department?

A. Director of Safety, I believe.

Q. Director of Safety.

A. Department of Highways.

Q. It was somebody that they wanted

with police qualifications?

A. I believe so.

Q. Training?

A. Yes, sir.

Q. I think that is all.

MR. MacKINNON: Mr. Commissioner, I might request, before I finish with this witness I would like to have a look at the transcript of the evidence taken with relation to his matter at an earlier occasion. I would like to have a look at it to see what was said by that particular witness about these particular matters.

THE COMMISSIONER: He didn't give any evidence before.

MR. MacKINNON: No,but there was another witness, you may remember, who gave evidence, the very first witness. I would like to look at it.

THE COMMISSIONER: We will see about that.

EXAMINATION BY MR. MacKINNON:

Q. I would also ask this witness tomorrow to produce, if I may, your diaries for 1954, 1955, 1956, 1958 and 1959.

A. I don't have them, sir.

Q. Just your 1957 diary?

A. I have 1958 and 1959. I had 30 diaries collecting around the office up to and including 1956. Early in 1957 I packaged them in a carton with my name on it, and sent them into our stores branch for safekeeping. They cannot be located now. Whether they were lost in the moving or whether they have been destroyed, I cannot tell. We still have an employee there who remembers them in the carton but the diaries cannot be found previous to 1957. That is about 30 of them.

Q. Can you then produce your 1958 and 1959 for me tomorrow?

A. Yes.

Q. Or have you them with you now?

A. I don't have.

Q. While we are on the last matter to which you referred, was James Allan the one in the Highways Department whom you knew or was he one you knew very well?

A. Yes, he is a friend.

Q. And was he the gentleman to whom

Feeley and McDermott had reference when they said on what you say was your first meeting with them, they had understood you had connections in the Highway Department?

A. They did not mention his name but this could have been the man.

Q. Is there anyone else you know very well in that Department?

A. I think not.

Q. Did they indicate how they knew that you had a friend? This is the Minister of Highways, wasn't it?

A. All they said was, "We understand that you have a good friend in the Highways Department". They did not mention ---

(Page 4283 follows)

Q. What was your reply to that statement?

A. I don't believe I made one.

Q. Now, if I may take it in sequence, Mr. Bartlett, in the year 1957 would you have occasion to call Inspector Ramsbottom in Chatham from time to time on the telephone?

A. Just in case of giving him an important message or an instruction of some kind.

Q. Would you in those telephone calls discuss the raids which were taking place or about to take place on the Roseland Club in Windsor?

A. Oh, no.

Q. You say you never discussed with him in these telephone calls the Roseland Club?

A. The only time I called him in this connection was after having received the instruction from Mr. Common.

Q. That was just one occasion?

A. That is right.

Q. But do you say you did not call him more than that one occasion about the Roseland Club - at least, discuss the Roseland Club with him on the telephone? Didn't you call him fairly regularly in 1957 on the telephone?

A. Concerning the Roseland Club?

Q. First of all, just talk to him on the 'phone, maybe about some other matter initially?

A. I don't believe so, sir.

Q. If he should state that you did call him with some regularity and lead the conversation around to the Roseland Club and discusss then what his proposals were in connection therewith, would you deny that?

A. Oh, yes.

Q. Would that be possible?

A. No, it would not be possible. He would not say that.

Q. Well, we will hear from him then.

A. Fine.

Q. Then you advised us, first of all, that you attended a meeting on July 12th, 1957 at Mr. Common's office, and that on July 11th you were alerted to this meeting by a call from Mr. Bowman, is that correct?

A. Yes.

Q. I notice that really these seem to be the only full entries for the whole year. Most of it is "reported", "Reported", "Reported office", "Reported". Here is one "Reported office still moving", and there is one a little longer entry:-

"Saturday, July 20th. Reported "Peterborough to see Commissioner"

Did you go to Peterborough from time to time to see the Commissioner?

A. Just on occasions, yes.

Q. You had no difficulty seeing him there if you wished to?

A. That is correct.

THE COMMISSIONER: What is the date of that?

MR. MacKINNON: This is July 20th, 1957, and, of course, Mr. Commissioner, I would like an opportunity of going through this.

THE COMMISSIONER: Oh, yes.

MR. MacKINNON: This evening.

THE COMMISSIONER: Well, you have got July 20th. You were there to see him apparently on July 20th, you said?

A. Yes, apparently I was.

Q. Why didn't you tell him then about the -----

A. He had a house full of company.

MR. MacKINNON: Q. Pardon?

A. I say, he had a house full of company.

MR. WILSON: The 20th, of course, was ten days before the flowerpot incident. I just want to have ---

THE COMMISSIONER: Do I have my dates mixed up?

THE WITNESS: Yes, I have too. It

was before.

MR.WILSON: July 30th was the date of the flower pot.

MR. MacKINNON: Q. It appears that the three major entries - and I will give you an opportunity at the recess to look through ---

THE COMMISSIONER: July 8th I had underlined.

MR. MacKINNON: Q. --- is that July 8th, which is the time you say Feeley and McDermott came to see you, July 11th when you were called about this meeting, and July 12th when you had the meeting. Was there nothing else of importance that happened to you that you would not make a fuller report than merely "Reported office" throughout 1957?

A. Many things happen during a day which are routine things. These are not entered in the diary. You would never have room for them. This is just important ---

Q. Surely Tuesday, July 30th was important?

A. That is right.

Q. Why didn't you put that in in detail?

A. Oh, I don't need any more detail than that to remind me about that thing.

Q. And you say that you put it in the next day?

A. Next morning.

Q. And did you run out of ink? I see the first thing is "8.30 Reported office" and then "flower pot 5.30" written in pencil.

A. I might explain that. The diary is made up with headings for the week and then anything additional that happens of sufficient importance is added under the heading.

Q. What do you mean, "made up"? Do you mean you write that in ahead of time?

A. The heading.

Q. "8.30 Reported office"?

A. Yes.

Q. You just fill it in?

A. That is right.

Q. Sort of anticipating that you are going to be able to fulfill what you state in your ~~XXXXX~~ diary?

A. That is right.

THE COMMISSIONER: Do you mean to say you fill it in ahead of time?

A. A week at a time.

Q. Suppose you dropped dead in the middle of the week?

A. This is just a heading and then you add ---

Q. Let me see that. Start Monday, July 29th, "8.30 Reported", Tuesday, "8.30 Reported". You do a week at a time?

A. Yes, sir.

Q. Ahead of time?

A. Still do it.

Q. Ahead of time?

A. Yes, sir.

Q. I see. We are always learning something new.

MR. MacKINNON: Aren't we indeed.

Q. Is this in accordance with police regulations?

A. Yes, sir, I believe so.

Q. You fill them in a week in advance?

A. Just a heading.

Q. That is a fairly fact --- the heading? It is the only thing you have got in most of this time.

A. Well, the rest of the work is routine.

Q. Some of these weeks apparently you must have changed your mind or at least did not write it in in advance because there is something a little different from day to day. You have got, for example, Thursday, July 18th, "Reported --" maybe you can tell me what that is?

A. That is moving day.

Q. "Reported moving day"?

A. When we moved our building.

Q. And then just two days, you have got "Reported office" "Prepare to move". Would you write that in? It looks as if it

were written at the same time. Did you write that in ahead of time?

A. I may have written them ahead of time. Certainly we were -----

THE COMMISSIONER: Do you still follow that practice?

A. I still do it that way.

Q. Better change it.

A. I started that way and I finished.

MR. MacKINNON: Q. Are you sure that this entry dated Tuesday, July 30th, which is in ink, "8.30 Reported office" and then in pencil "Flower pot 5.30" wasn't put in - the pencil entry wasn't put in some considerable time after?

A. Never. This would go in the next morning.

THE COMMISSIONER: Why didn't you put it in in ink?

A. Perhaps I would just pick up the first thing I find.

MR. MacKINNON: Q. Pardon?

THE COMMISSIONER: Speak up.

A. I would just perhaps pick up a pencil if it were handy.

MR. MacKINNON: Q. But this was a very important entry.

A. That is all I needed to remind me of it.

Q. Had this ever happened to you before?

A. Yes, it happened thirty years ago.

Q. But within, say, the previous five years, had you been offered bribes?

A. No, sir.

Q. Pardon?

A. No, sir.

Q. And this was a fairly substantial thing, wasn't it?

A. It was substantial.

THE COMMISSIONER: Have you ever heard tell of ink fading?

A. No, sir.

Q. Never in your life? Did you hear me?

A. Yes, sir.

Q. You never in your life heard of ink fading?

A. Well, with the exception of the new pencils. I have one here.

MR. MacKINNON: I see it is five o'clock, sir. I would like an opportunity to look at this.

THE COMMISSIONER: Very well.

----------Whereupon the hearing adjourned at 5.00 p.m. until 10.00 a.m. to-morrow, Friday, May 11th, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

Pages

Supreme Court Reporters
145 Yonge Street
TORONTO

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Volume No. 21

Royal Commission on Crime

Friday May 11/62

P.P. 4291 — 4482.

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VOLUME 21

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FRIDAY, MAY 11, 1962

---On resuming at 10:10 o'clock, a.m.

THE COMMISSIONER: Mr. Common?

MR. COMMON: Mr. Commissioner, I desire to make a statement, with your permission, in regard to the police report incident of yesterday's date, which apparently concerned a police report and which apparently has given some concern to my friends.

THE COMMISSIONER: This is the confidential report we heard about yesterday?

MR.COMMON: Yes.

Mr. Commissioner, I feel I must accept some responsibility for what occurred, and to make the position of Mr. Wilson and myself perfectly clear to you, sir. I wish to state that Inspector Graham handed a copy of this report to me, and I ascertained at that time whether or not a copy had been handed to Commission Counsel. I was assured by Chief Inspector Graham that that was the case. Commission Counsel advised me some time ago that material used before this Commission was available, through him, to Mr. MacKinnon and Mr. Brewin. Acting on that assumption, I presumed that a copy of that report had been or would be given to my friends.

When the incident happened, when Mr.

Rose had seen this report and requested a copy of it -- or, requested that he be allowed to peruse it, it was furnished to him with my knowledge. Possibly I might have ascertained from Mr. MacKinnon and Mr. Brewin, or Mr. Scott, whether or not they had received, in fact, copies; but, I, inadvertently, omitted to do so, acting on the assumption theyeither had it or would be provided with a copy.

I felt I was fortified in my position, in regard to allowing Mr. Rose to see a copy, by the order of the Court of Appeal, which I felt gave him the same status here as the counsel for the Liberal party and for the N.D.P. party.

Now, sir, I wish to state, if I have caused you, sir, any embarrassment, I am extremely sorry that any embarrassment has been occasioned to you; but, I can assure you, sir, there were no improper motives behind the incident.

MR. MacKINNON: May I say something, Mr. Commissioner?

As I say, I still have not seen the report, I still have not been given a copy of it; and I think Mr. Common has been misinformed as to my receiving all the material that Mr. Roly Wilson has.

MR. COMMON: I did not say that.

MR. MacKINNON: Or that has been given

to him or made available to him, because it is not. In most cases I do not know about it until the witness goes into the box.

This report, I understand, was not ordered by Mr. R.F.Wilson but by the Attorney General's Department, It is to investigate Corporal Shrubb and Mrs. Shrubb eight years ago and secured for their purposes, whatever they may be, and given to Mr.Rose. I would not have got a copy of this report unless and until it was presented in the course of the evidence given in the witness box. That would have been the position if I had not been tipped off that there was a report.

MR. BREWIN: I may say, I find Mr. Common's explanation quite unsatisfactory. This report is totally irrelevant, bringing up personal matters which have nothing to do with this Commission in order to discredit a police officer. I do not see that the handing of this report to Mr. Rose can be so lightly passed off or so lightly ignored.

MR. COMMON: I am not concerned one iota whether myfriend considers this explanation satisfactory or not. I am concerned with whether it is satisfactory to the Commission.

THE COMMISSIONER: I have seen the report and there is nothing in that report which, in my respectful opinion, would justify it being introduced into evidence.

Sitting as Commissioner here I must exercise my own best judgment as to whether material that comes to the attention of counsel for the Commission is of such a relevant character as to justify it being introduced into evidence. Now, having seen this report, over which there has been such a fuss, it is my view there is nothing in it that would, to the slightest extent, justify it being introduced into evidence.

You may see it, Mr. MacKinnon, and Mr. Brewin, you may see it.

MR. MacKINNON: Thank you, sir.

THE COMMISSIONER: I would be very much surprised if either one of you thought there was anything in it which would justify its introduction into evidence.

Does that clear the air for the moment?

Do not answer that, on the advice of counsel.

MR. ROSE: Mr. Commissioner, further to what my friend Mr. Common was saying, if I may bring this to your attention at this moment: Since the decision of the Court of Appeal in this matter it was his impression that I had the same status as counsel forthe Liberal party and the New Democratic Party, that was my impression. If, sir, that is your impression, then I would ask, as a matter of fairness, that the material which has been previously furnished

to Mr. MacKinnon and Mr. Erwin by Commission Counsel, and material which will probably be furnished in the future, and as a matter of fairness and natural justice - in spite of the fact this is an inquiry it would seem those counsel are assuming the roles of prosecutors - the same material should be furnished to myself on behalf of people I represent. I would ask you to direct Commission Counsel so to do.

THE COMMISSIONER: Whatever information you want with respect to material that has been used or will be used in this inquiry, you shall receive it.

MR. ROSE: Thank you, sir.

THE COMMISSIONER: Yesterday you requested something, I forget what it was, and I gave instructions that you should be permitted to observe it. You probably have some recollection; I have not at the moment.

Does that answer your question?

MR. ROSE: Do I understand I will be furnished with copies of the documents other counsel have been furnished with?

THE COMMISSIONER: If there are presently copies available, yes.

MR. ROSE: Thank you.

THE COMMISSIONER: Now, may we resume where we left off yesterday.

JAMES BARTLETT, resumes the stand.

MR. WILSON: Mr. Commissioner, there is one matter I should have dealt with yesterday, and with my friend Mr. MacKinnon's consent I want to ask the witness about it.

Q. In the evidence given by Sergeant Anderson he made reference to an entry in his police diary, Exhibit 104, under date of June 2, 1958. When we look at that particular page we find a little memorandum attached, which reads:

"Sergeant John M.Anderson.

"Re 1693 Victoria Street, Niagara "Falls.

" Alleged bookmaker, large "scale. A long distance call this "date, Proprietor said to be one "Louie Iannuzzelli and Benny Niccoleti. "Said to be hooked up with American "gangsters. For your attention, "please.

" James B."

Below which there is printed in red pencil, "June 2, 3.50 p.m." What do you know about that memorandum?

A/2

A. This was a long distance call, sir, a complaint from an anonymous caller. I made record of it and forwarded it to Sergeant Anderson for his attention, as he has recorded here.

Q. You have no knowledge of the identity of the caller who called you on June 2, 1958?

A. I have no idea who they were. As a matter of fact, a great number of them are anonymous.

Q. Do you know from what place the long distance call came?

A. It is my recollection that it came from Niagara Falls.

Q. Yousimply, then, made out this memorandum and turned it over to Sergeant Anderson?

A. Yes, that is right.

Q. Did you follow it up in any way?

A. No. It was given to Sergeant Anderson and put in his complete charge for investigation.

Q. Thank you, that is all.

Thank you, Mr. MacKinnon.

EXAMINED BY MR. MacKINNON:

Q. Just while we are on this entry, what did you intend Sergeant Anderson to do with this information?

A. He would have investigated it. Perhaps he may know the premises.

Q. Well, it was for action by Sergeant Anderson?

A. Yes, I marked it for his attention.

Q. And you expected that he would do something about it?

A. Yes.

Q. Did you not recognize the voice?

A. Oh, no; I don't know who it would be.

Q. Why wouldn't you make an entry in your own diary about this call, which refers to American gangsters and to individuals by name? I have your diary for 1958, Monday, June 2, and all it says is: "8:30 - reported office".

A. I would treat this as a routine complaint. I would see no reason to make a separate recording of it after writing to the Sergeant.

Q. Well, now, is this a routine memo? Apparently this came from you and he stapled it into his diary. He thought it sufficiently important for that. Is this a routine memo on your part?

A. A routine complaint.

Q. Is this a routine memo?

A. Sometimes he might get it by letter. This is perhaps a hurried job.

Q. Is this the way you usually

do it?

A. Not always.

Q. Usually?

A. Not usually.

Q. No. So, I take it this was not a routine memo, then, if this was not the usual way of doing it?

A. I took it as a routine complaint.

THE COMMISSIONER: Q. You are not asked about the complaint; you are asked about what you did in respect of it.

A. That is what I did, my lord.

Q. You were asked: "Is that the usual way of doing it?"

MR. MacKINNON: Q. And I gather it is not?

A. I might write a letter on it, or a memo.

Q. Or you might do nothing about it?

A. Oh, no; its always attended to.

Q. Every phone call that comes in?

A. Every complaint.

THE COMMISSIONER: Q. Witness, it strikes me at the moment that was a very important matter. You say it described International gangsters.

MR. MacKINNON: Said to be hooked up with American gangsters, and it gives the name

of the proprietors, Louie Iannuzzelli and Benny Niccoleti.

THE COMMISSIONER: Q. Information coming to you that a gaming house in Ontario has some affiliation with American gangsters did not that strike you as a very important matter?

A. Yes, that is sufficiently important to communicate it to the Sergeant.

Q. I should have thought it sufficiently important for you to put it in your diary?

A. I didn't see the need of making an extra entry on it when I had written a memo to the Sergeant.

MR. MacKINNON: Q. This type of memo does not produce a copy?

A. No copy.

Q. But if you made it in the ordinary way of reporting by letter, you would have had a copy?

A. That is correct.

Q. Would that have any significance, the fact you would not keep a copy ofthis rather important, as the Commissioner points out, important communication? Why wouldn't you keep a copy of this?

A. Well, I would leave it in the hands of the Sergeant, which I know would attend to it.

Q. I take it you had no hesitation about making a little memo on this and having it passed along to Mr. Anderson? I mean, it was done very quickly and easily?

A. A memo of that kind I would type myself.

Q. Why didn't you sign it?

A. My girl was probably busy.

Q. Why didn't you sign it, then?

A. Well, I signed it with the typewriter.

Q. But not with pen --

A. That's my name, as it is known.

THE COMMISSIONER: Q. You are familiar with the evidence you have so far heard concerning this club, or gambling place that Niccoleti was supposed to be connected with?

A. I don't know the names of them myself.

Q. I say, you heard the evidence so far, it was in opposition to the one McDermott was operating?

A. I have read that.

Q. Yes. Were you interested at all in the fact that this club was one in opposition to McDermott?

A. I wouldn't x know that, your lordship. Many things I have known nothing about until I have read them in the press.

MR. MacKINNON: Q. How would this be delivered to Sergeant Anderson?

A. This would be by messenger.

Q. By hand?

A. That is right.

Q. In an envelope?

A. That is right.

Q. As I say, that was a fairly easy thing to do. Why didn't you do the same thing for the Commissioner with regard to the $1,000 left in your flower pot?

A. I thought of doing it. I never withheld anything from him but I just never seemed to get the opportunity. He was there so little that when he did come in he was so busy you couldn't see him.

Q. Just a moment. Apparently you use a typewriter, according to what you tell us, and you typed this up very quickly when you received an anonymous phone call about this club. Why couldn't you have typed up a little memo yourself and dropped it into the Commissioner's office about the $1,000? That would have been a simple thing?

A. Well, it was the thing of having it lying around and everybody seeing it.

Q. You could have typed "confidential" on the envelope?

A. Yes.

THE COMMISSIONER: Q. Supposing everybody

did see it, what about it?

A. I would prefer it wasn't known.

Q. Why?

A. It was just myown idea.

Q. Yes, but why would you prefer it? This was a very important matter to the police, I would have thought?

A. Well, I didn't.

Q. You have said that, "I didn't". What I am interested in is why you had that idea?

A. I can't tell you that, sir.

Q. No explanation whatsoever?

A. I did have that idea.

Q. That is the idea that it should not be -- have sufficient publicity in the department that other members of the department would hear about it, that is what you are talking about now?

A. Yes sir.

Q. You had that idea and, then, you had the idea you might perhaps report it to the Commissioner in a confidential way, but you did not do that?

A. I made many attempts, your lordship.

Q. Witness, I cannot understand it. Speaking very frankly.

A. I never withheld anything from

the Commissioner.

Q. You withheld this?

A. Yes, sir.

(Page 4305 follows)

B/1/D.C'N

MR. MacKINNON: Q. Wasn't your office next door to the Commissioner's?

A. No sir. My office was upstairs in the old building.

Q. From your evidence yesterday, apparently you could walk in at will, because you told us in your evidence that you walked in once that very summer when Mr. Maloney was there - Mr. James Maloney?

A. That is right.

Q. There was nothing really stopping you. You didn't have to make an appointment with the Commissioner to see him?

A. Not always.

Q. No. You could walk in when you felt like it, and that pertained to the summer of 1957, didn't it?

A. Yes sir.

Q. Well, we will leave that explanation for the moment, Mr. Bartlett, if we may, and I would like to go back to the start of your evidence yesterday, where you said you had something to do with routine investigations of the Anti-Gambling Squad. Now, just what did you have to do with these routine investigations?

A. I received reports from the gambling branch and kept them on file in my office.

Q. They went to you because you had some control or some interest in this

particular squad?

A. I believe just routine.

Q. Now, what is the difference between routine and other reports of this squad?

A. The difference would be larger operations for instance. These files, I believe, were kept in theCommissioner's office.

THE COMMISSIONER: Q. What files?

A. The files concerning more important matters, your lordship.

MR. MacKINNON: Q. You had access to thesefiles, surely? What was your position?

A. Assistant commissioner.

Q. You wouldhave access to those files, wouldn't you?

A. To the ones I had myself.

Q. No, but to these other reports?

A. No, they wereconfidential files, I believe, kept by Mr. Phelps.

Q. You wouldn't have access to those files, in your rather high position?

A. No, I didn't have any access to them.

Q. And Mr. Phelps will so state, will he?

A. I would think so.

Q. And just while we are on the location of your offices. By this time -----

THE COMMISSIONER: Excuse me.

Q. These very important matters that you speak about, had they gone through your hands before they reached the Commissioner's files?

A. No sir, they always went to the Commissioner.

Q. From the Anti-Gambling Squad?

A. The Anti-Gambling Squad, Sergeant Anderson reported directly to the Commissioner.

Q. And none of that went through your hands?

A. The lesser matters did.

Q. Indicate what you mean by "the lesser matters"?

A. Well, I mean prosecution of a bookmaker, wherever he might be in the Province, or a bawdy house. The larger operations went to him.

Q. They were distinguished then, by the volume of the operation. Is that what you are saying?

A. I believe so. I don't remember receiving any of the - what were called the confidential anti-gambling files.

THE COMMISSIONER: All right.

MR. MacKINNON: Q. Well now, in Sergeant Anderson's diary, just on that point, for March 25th, 1957, he has an entry which

says - to the Commissioner's office:

"Commissioner Mr. N.Phelps, Staff
"Inspector MacLeod, McNeill, Trumble,
"Assistant Inspector Bartlett,
"Inspector Hand, Ramsbottom, re
"clubs."

You must have had some interest in these clubs at that time because you were attending a conference in relation to them?

A. This was a meeting, I take it?

Q. Yes. That isn't in your diary, incidentally.

THE COMMISSIONER: That doesn't mean much.

MR. MacKINNON: No, it doesn't.

Q. So, do you say you had nothing to do with these clubs? Just bookmakers?

A. I would be called to a meeting of the operations of the branch.

Q. And this had to do, as I understand the diary entry, with the question of policy as to the raiding of these clubs?

A. What was the date of that?

Q. March 25th, 1957, which is in this year in which we are concerned at the present time?

A. Yes. Well, I was there, apparently.

Q. And you did have some interest and responsibility in the field of these

gambling clubs and social clubs?

A. That is right.

Q. Yes. So why wouldn't the these report of ~~the~~ clubs be given to you or made available to you?

A. I can't tell you that, sir.

THE COMMISSIONER: Q. Pardon?

A. I can't tell you that.

MR. MacKINNON: Q. I suggest to you they were. Just search your memory. You would be an obvious one to whom these reports should be given?

A. I know that the Sergeant reported directly to the Commissioner and that confidential files were kept in the Commissioner's office. I also had some files.

Q. And there were copies of these reports. We have heard, I believe, something like six copies were made. Did you not receive one of those from the Assistant-Commissioner?

A. Not of a confidential report.

Q. I am still a little confused as to what is a confidential report, because as I understand the confidential reports that were made on the raids of these clubs, describing who was found there and the state of the premises, etc.; but we were still told there were a number of copies made of those reports and that they were confidential. Wouldn't you get a copy of those?

A. Not if it was considered a confidential report. The regular operational report was, often times, filed in the general office.

Q. Well now, I wonder if you can give me an example of what you consider a confidential report which would only go to the Commissioner in this field?

A. I would say a report concerning clubs mentioned here.

Q. Well, will you elaborate? What kind of a report?

A. I mean the Cooksville Club, Frontier Club.

Q. A raiding report?

A. Yes, or perhaps an investigation report.

Q. Who would get all these copies, then? Because we have beentold by Police Sergeant Anderson, and I believe by the Commissioner of Police as well, that there were a number of copies made?

A. Well, they are just not spread around.

Q. I wouldn't consider spreading it around for the Assistant Commissioner to get one. The assistant who was in charge, really, of this Anti-Gambling Squad, at least, for certain matters?

A. You aretalking about myself?

Q. Yes, that is right.

A. I didn't get them.

Q. Now, just while we are on this question of the location of your office, According to the diary, on July the 19th, I believe, or the 20th, you completed the movement to your new offices. That is 1957?

A. 1957, I believe that is right.

Q. Now, in your new offices, weren't you on the same floor as the Commissioner?

A. I am on the same floor.

Q. Why didn you tell us you were on the second floor?

A. That was the old building over here.

Q. But Mr. Bartlett, I am talking about the incident of the flower pot which took place after you had moved into your new premises?

B/2

A. That is right.

Q. And at that time you were on the same floor?

A. I was on the same floor at that time.

THE COMMISSIONER: Q. Right next to the Commissioner's office?

A. Not next, sir. He is in the centre of the building and I am at the corner.

Q. Well ----

A. Not too far.

MR. MacKINNON: Q. Down the hall?

A. That is right.

Q. So we can forget then, in connection with the flower pot incident, about you being on a different floor than the Commissioner. Now, you mentioned that Mr. Bowman had given you nine names of applicants for club charters. What were you to do withthose nine names?

A. I took it that they were to be investigated.

Q. And were they investigated?

A. Yes, they were. I immediately called Sergeant Anderson and instructed him to prepare a report for presentation in the morning at ten o'clock.

Q. And did it appear to you, from looking at that report, that these were not particularly responsible people to be given a social club charter?

A. The report was an adverse one.

Q. Yes, and did you so instruct the Attorney General's representatives?

A. We appeared at Mr. Common's office the next morning at ten o'clock, and I recall showing the report to Mr. Bowman.

Q. Yes?

A. However, we were instructed

that the charters already had been issued.

Q. So the report was really of very little significance at that time?

A. That is correct.

Q. From your experience, was this the usual way of getting a report on these people?

A. No sir. We usually have a request from the Deputy Provincial Secretary's Department.

Q. That is right.

A. Who asks that a certain club and premises and names be investigated. We complete the investigation and return a report to him.

Q. Did you ask Mr. Bowman as to why this different procedure was being adopted with regard to those three clubs?

A. No, I did not.

Q. And when you reported to him adversely on these men, what was Mr. Bowman's position?

A. I don't recall what was said, other than that the charters had already been issued.

Q. Did you then say to ~~k~~ him: "Well, why did you say to do this work?", or something to that effect?

A. No.

Q. Or "what is the point of

this?"

A. No, I didn't.

Q. Did you make any objection at this stage, apart from the adverse report which is filed as an Exhibit? Did you make any oral objection at this stage, as to the issuance of the charters in this fashion?

A. There didn't seem to be any point when the charter had been issued.

Q. Now, just in this connection, if I may go back for a day. I note an entry for Monday, July 8th about meeting Feeley and McDermott in your house. You say you had never met either of those gentlemen before that date?

A. That is correct.

Q. You said under oath you had never spoken to eitherof these gentlemen on the telephone prior to that date?

A. I didn't know them at all.

Q. You had never spoken to them on the telephone prior to that date?

A. That is right.

Q. Now I take it,from your connection - by "connection", I mean as a police officer of the gambling clubs or social clubs, you did know Feeley and McDermott's reputation?

A. I knew of them, that is correct.

Q . And can you give us any

mean".

A. No, I didn't.

Q. Did you make any objection at

this stage, when the attorney began asking

it first as an impeach? Did you make any

qualification at that stage, as to the leading

of the questions to this witness?

A. There didn't seem to be any

point when the examiner had been leading.

Q. Now, just to make absolutely

it I may go back for a day. I made an entry

for January, 1978 for seven hours preparation

and conference in your house. You had your

had never met anyone of these gentlemen before

that day?

A. That is correct.

Q. You only spoke on the

telephone prior to that date?

A. I didn't know them at all.

Q. You had never spoken to them

on the telephone prior to that date?

A. That is right.

Q. Now I take it,Dr.M you

consultation - by "consultation", I mean as a

police officer at the Emergency Clinic or social

worker, you did have some heavy and substantial

responsibility?

A. I know of them, that is

correct.

Q. And I just also

explanation as to why they should come to you in this fashion, on Monday evening July the 8th?

A. No, I couldn't explain this.

Q. And they didn't really give you any explanation in this conversation you had with them?

A. That is right.

Q. Except to say that they understood you had a good friend in the Highways Department or something to that effect?

A. This was the beginning of the conversation.

Q. Why did you make a notation that they were driving a cream Cadillac? I just notice, as I see your other notations are so short and cryptic. Why would you put in this detail? Any particular reason?

A. I don't think there would be any particular reason.

Q. And the other thing that interests me very much is that they said, they asked you - - you say they asked you if any new instructions had been issued to the gambling branch?

A. Yes sir.

Q. And your reply to them was "No"; is that right? And within four days, new instructions were issued to the gambling branch, weren't they?

A. That is so.

Q. It would appear then, they had some fore knowledge of that?

A. It would appear a possibility.

Q. Was it said - - now, you were the man who was there. Was it said in sort of a knowing way: "Have you got your new instructions yet", or something to that effect?

A. When I mentioned gambling to them, McDermott said: "By the way, have there been any new instructions issued to the gambling branch?". This, I believe, was exactly what he said.

Q. And had you heard any rumors that there were to be new instructions issued, at this stage?

A. No, I had not, but I wasn't surprised when the final instructions came.

Q. Why do you say that? The final instructions being the instructions which Mr. Common told you came from Attorney General Kelso Roberts on Friday, July 12th?

A. July 12th, that is correct.

Q. Why weren't you surprised?

A. I recall the Commissioner returning from a meeting at the Attorney General's Department fromsix or seven weeks earlier, when he told me that there was talk of the department becoming involved in a civil action.

Q. As early as the beginning of June? That would become six or seven weeks

before?

A. I would think about that time, possibly even earlier.

Q. Yes, so?

A. I don't know who he had talked to, but he was disturbed about it. The action, as I understood it to be, had something to do with civil rights. Watching and besetting.

Q. Was there any action ever instituted, to your knowledge?

A. I believe not.

Q. And this is the only thing you had in mind then, when you stated that you weren't surprised on July the 12th, or too surprised on July the 12th, when you received these new instructions?

A. That is the only thing.

Q. Now, once again, did you make a written report of this strange meeting of July the 8th?

A. No written report. Just the diary entry.

Q. And the Commissioner and Deputy Commissioner being away, I take it you reported orally to no one?

A. Actually there was no one to report to. They were both away.

Q. Who was next inline to you at that time?

A. Down?

Q. Down?

A. The present commissioner, I would say.

Q. I see. Was he present during the summer of 1957 or part of the summer?

A. He was there.

Q. Yes. Did you ever report it to him at that time?

A. Not until he was appointed Commissioner.

Q. We will come to that in a moment, then. But that was some considerable time later?

B/3

A. That was in 1958.

Q. Now, other than what you have in your diary for Friday, July the 12th - I will refresh your memory with it - is there anything else you remember about the interview in the Attorney General's office or Mr. Common's office, whichever it was?

A. I don't recall anything else.

Q. That is an exhaustive summation of all you can remember of what took place on July the 12th at Mr. Common's office?

A. Yes sir.

Q. Now the next meeting you refer to was the meeting of Wednesday, October 9th, 1957, about which Inspector Hatch told us. Your

diary entry is: "Department Attorney General meeting, Sergeant Hutch, deferred two weeks at request - Mr. Common."

Now, what does that mean?

A. This is the meeting at Mr. Common's office the inspector had, and apparently, Mr. Common requested that ~~xxx~~ it be deferred for two weeks.

Q. What was to be deferred for two weeks?

A. The meeting.

Q. You did have a meeting, didn't you?

A. Yes, there was a consultation with Mr. Common.

Q. And what was the consultation about?

A. It concerned the Roseland Club at Windsor, I believe.

Q. And you were called in, were you?

THE COMMISSIONER: Q. What do you mean it concerned the Roseland Club in Windsor, "I believe". What do you mean by that? "I believe"?

A. I would say it did concern the Roseland Club.

THE COMMISSIONER: Well then, say so.

MR. MacKINNON: Q. And once again, you were involved in this discussion with

relation to a social club?

A. Yes sir.

Q. That wasn't kept confidentially from you?

A. No.

Q. And the meeting wasn't really deferred. Did you attend another meeting two weeks later?

A. I don't believe I did.

Q. No. And do you remember Sergeant Hatch, as he was at that time, requesting permission not to be called on to reveal the name of his informant or informants? He has sworn to this?

A. Yes, Ibelieve he was told by Mr. Common not to reveal that.

Q. He says he asked for permission and Mr. Commonsupported him in that request. Now, do you also remember, as the meeting was breaking up, and Inspector Hatch has also sworn to this, you asked him for the name of his informant?

A. This, I deny. I believe this is a mistake by the Inspector. If Mr. Common told him not to give the name, why would I ask him?

THE COMMISSIONER: There could be a very logical explanation for that. Mr. Common would have no occasion to tell him not to disclose the name of the informant unless

somebody had asked him.

Q. The evidence is that you asked him and Mr. Common and Hatch didn't want to give it, and Mr. Common said: "You don't have to give it".

A. I have no recollection of this, sir, and I would have tosay there is a mistake somewhere.

Q. If you have no recollection of it, then why do you say Mr. Hatch is mistaken?

A. Because I wouldn't ask him such a thing.

Q. He says you did?

A. I want it clearly understood, I have no axe to grind with Sergeant Hatch or Inspector Hatch. As a matter of fact, I helped him to get a promotion when he was a Corporal.

Q. I am not a bit concerned with that. But whatI am concerned about, is this. Mr. Hatch has sworn that you asked who the name of Hatch's informant was?

A. Then I must say he is mistaken.

Q. He is mistaken. All right. Now, if you have no recollection of it, and you have said that, how can you sayhe was mistaken?

A. Well, he must have been

mistaken, since I have no recollection.

MR. MacKINNON: Q. Inspector Hatch has a very clear recollection and swore affirmatively to it.

A. Well, my answer is the same.

Q. That you have no recollection?

A. That is right.

THE COMMISSIONER: Q. Well, I can't understand your logic when you say because you have no recollection of it, that Mr. Hatch must be wrong. Do you want it just left that way?

A. I will say I didn't ask him.

Q. But you have already sworn a couple of times you have no recollection of the matter?

A. That is correct.

Q. Now, if you have no recollectionof the matter, how can you say now that you didn't ask him?

A. Just because I can't recall it.

THE COMMISSIONER: Well, we are going in a circle, I am afraid.

MR. MacKINNON: Q. Then in that connection, one of your explanations was that you already knew the name of the informant Atwood; is that correct?

A. That is right.

Q. And when did you know the

name of the informant Atwood? You said Commissioner McNeill told you?

A. That is right.

Q. Do you say you knew at that meeting that Atwood was one of the informants?

A. I wouldn't say positively at the meeting, but I would say quite soon after the meeting.

Q. I suggest to you that Inspector Hatch did not tell the Commissioner, indeed, until after the trial, the hearing which was at the end of 1957, and that the Commissioner did not know and didn't want to know Atwood's name. Now, do you still say you knew at that time or shortly thereafter?

A. I knew the name Atwood as being the brother of a man who was found murdered.

Q. Oh yes, we all know that now, but I am asking you when did you learn this?

A. I would say soon after the meeting in Mr. Common's office.

Q. How soon after? October the 9th was the meeting.

A. Oh, I would saywithin a few days.

Q. Well then, I will want Inspector Hatch recalled on this, Mr. Commissioner.

And you still swear under oath you got that information from the Commissioner, McNeill, that he knew it?

A. That is correct.

Q. All right. Now, after this meeting adjourned, the meeting of October the 9th, did you discuss with anyone else what was discussed and decided at that meeting? Anyone else apart from the people who had been at the meeting, itself?

A. I think not.

Q. Did you receive any phone call from a man posing as Scott Young, the next day, or anyone else?

A. No sir.

Q. Asking about the meeting?

A. No sir.

Q. Can you give us an explanation as to how the gambling fraternity found out so quickly about this meeting?

A. I have no idea.

Q. Presumably it must have been -- it must have come from someone who was at the meeting?

A. That would be a fair assumption.

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C/1/RD

Q. Now, if I may turn to the "flowerpot" entry of July 30th, 1957, and this entry, of course, is in pencil, isn't it, as has been pointed out?

A. Yes.

Q. And the Commissioner was asking you whether you knew that ink faded, and I am not quite sure what your answer was in that connection. May I put the question to you this way, that if the entry had been put in, for Tuesday, July 30th, 1957, in ink rather than in pencil and had been put in a couple of years later, I take it the degrees of fading inthe ink would be quite apparent to the eye as of this date?

A. I don't know about that. This is the book. It will tell you there. The book is three or four years old.

Q. No, I am saying that if an entry is made five years ago and another entry is made a year ago, say, in ink, the distinction would be obvious?

A. In the two entries?

Q. In the two entries, yes, if they were both in ink?

A. There may be a distinction.

Q. Would_n't there be?

A. I would think so. There would be a slight distinction.

Q. The ink fades, as the Commissioner

Q. Now, if I may turn to the Clemency
memo of July 30th, 1957, and more exactly, if
course, to the second, that's it, on page seven
pointed out

A. Yes.

Q. And the Commissioner was asking
for mention the fact that Ingel, and I am
not quite sure that this remark can be that
connection. May I put the question to you
this way, that if the entry had been put in,
ter Tuesday, July 30th, 1957, in that portion
then it should and had been put in a couple
of years later, I take it the degrees of
feeling inside him would be quite apparent to
the eye of that diary

A. I don't know about that. This
is the book. It will tell you there. The
book is three or four years old.

Q. No, I am asking that if an entry
is made five years ago and another entry is
made a year ago, say, in fact, the discussion
would be obvious?

A. In the two entries?

Q. In the two entries, yes, if they
were both in ink?

A. There may be an observation.

Q. Wouldn't there be

A. I would think so. There would
be a slight distinction.

Q. The ink fades, as the Commissioner

pointed out to you?

A. Some inks do.

Q. And since yesterday, in the interim, have you had an occasion to think why this entry was made in pencil as opposed to every other entry in the book except one?

A. The entry on the previous page, I believe, is in pencil. I attach no particular significance to it.

THE COMMISSIONER: Do you carry a pencil with you?

A. Yes, I do.

Q. Do you carry one now?

A. Yes, I have several. (Witness produced a propelling pencil)

Q. You have one in your pocket?

A. Yes.

Q. Has that been your practice for a long while?

A. I have always carried one.

MR. MacKINNON: Now, you made a fairly lengthy entry on July 10th when Feeley and McDermott came to see you and on July 12th when you went to the Attorney-General's office about the new policy on these clubs.

A. Yes.

Q. But on Tuesday, July 30th, it is a very cryptic entry. Why wouldn't you have made a fuller entry in your diary?

A. I didn't need any more to remind

me about the whole story.

Q. Did you need anything more on July 8th to remind you of the whole story rather than to say just "McDermott and Feeley were here"? You put in, "Cream Cadillac" and all the other stuff. Would you have needed that really?

A. Well, I just wanted to remember more of the detail.

Q. Why? Surely this "flowerpot" incident was much more important than Feeley and McDermott coming to ask you about Highway 400?

A. I can remember this "flowerpot" incident most clearly.

Q. You stated that you asked your wife to go out with you?

A. Yes.

Q. This was after you had come home?

A. Yes.

Q. I suppose she was preparing the dinner?

A. After the phone call.

Q. Yes, but the phone call was after you had come home from work and picked her up. I presume she would be preparing the evening meal at that time?

A. Yes.

Q. Why would you ask her to go out with you?

A. I seemed to sense something sinister, getting a telephone call of this kind. This was the reason I called her out.

Q. Did you think there might have been a bomb there or something?

A. No, no, I didn't think of a bomb, but I thought that she should be there.

Q. You weren't thinking of anything dangerous, then?

A. Not a bit.

Q. And then you stated that you had an idea at the time as to who had left it?

A. Yes.

Q. First of all, what was your idea at that time, when you found it, as to who had left it?

A. I thought immediately of McDermott and Feeley because they had been to my home.

Q. Yes, but they hadn't said anything when they were at your home?

A. Quite right, and they didn't ask me for anything.

Q. No, well, why did you immediately think of them?

A. Well, I knew, of course, of their gambling operations. They really were the first people I thought of.

Q. Was there anyone else you thought of then?

A. I don't believe so.

Q. And why did you consider that they would be leaving money in your flowerpot? Was it because you did have some control over the activities of the Anti-Gambling Squad? Would that be a fair explanation?

A. Well, I would think it may have to do with the signing of warrants.

Q. Well, that is something I will be coming to, but would it not also be because of your position in the Department in the Provincial Police and the fact that you did bear some responsibility for the Anti-Gambling Squad's activities?

A. Quite right.

Q. Had you been told at x that time that they had paid off other people or that it had been alleged that they had bribed others? Did you have such information?

A. No, I didn't.

Q. So the only reason you thought of them right away was because they had visited you on July 8th?

A. Correct.

Q. Now, what interests me, Mr.Bartlett, is why didn't you set a trap for these people?

A. I watched the place myself daily.

Q. You watched it? I thought you said you hadpolice watching it?

A. No, I watched it.

THE COMMISSIONER: He said he watched it.

MR. MacKINNON: He said he had it under surveillance.

Q. You would not go down to your office?

A. Yes, but I left the office several times a day and went and looked around.

Q. Why didn't you have some of your police officers keep it under surveillance?

A. Frankly, I didn't think they would come back.

Q. All you had to say was, "Yes, I took it, let's have some more the same way". This is the way Police Constable Scott operated, and very effectively, didn't he?

A. Yes, that is right.

Q. Why didn't you think of that?

A. I didn't want to have any ---

Q. I beg your pardon?

A. I didn't want to have any of that.

Q. Wasn't this a serious matter?

A. Yes.

Q. Being offered a bribe? What was your position then?

A. Assistant Commissioner.

Q. Assistant Commissioner of the Provincial Police, $1000 left under your bank porch, and you didn't conceive that it might

be one way of trapping these people whom you knew were part of the criminal element and who were a thorn in the side of your subordinates? You didn't think that this would be a godd way of getting these people? You had them on the hook, as it were. Why didn't you, Mr. Bartlett?

A. I didn't think of it.

Q. How long had you been a police officer then? Thirty years?

THE COMMISSIONER: What was your last answer - you didn't think of it?

A. Yes.

Q. Although you said a minute ago you didn't want anything like that?

A. I didn't think of it, your lordship.

MR. MacKINNON: Q. Why were you coming up ---

THE COMMISSIONER: Just a moment.

MR. MacKINNON: I am sorry.

THE COMMISSIONER: Which answer do you want me to accept, that you didn't think of it or that you did think of it but you didn't want anything like that?

A. I didn't think of it, your lordship.

Q. That is the answer you want me to accept?

A. Yes.

MR. MacKINNON: Q. Why were you coming

up three or four times a day - to shake them by the hand if they should appear?

A. No, I was coming up to look for them if they did appear, but I really didn't expect they would.

Q. Well, if they did appear, what were you going to do?

A. I would have to grab them and charge them.

Q. Why wouldn't you have a witness along?

A. I had no witness.

Q. Why not?

A. I didn't think they would come back.

Q. Well, why did you go up?

A. Just in case.

Q. Yes, but if "in case" ever arrived, then I am interested in knowing what your plans were?

A. (Pause) I would have laid a charge against them.

Q. What would you have done - waited until they picked it up? What was your plan - that they were going to come and pick it up the following day or was it that they were going to leave more money there?

A. Well, I had told them several times to pick it up and take it out of here.

Q. Wouldn't it have been necessary to

have corroboration of this? Wouldn't it have been most helpful,if you wanted to catch them, to have had some other person with you? This is normal police procedure?

A. I would agree.

Q. But you never thought of it.

A. That is right.

Q. Now, your method of solving this wasn't to report it to anyone in the Police, whether inferior or superior officers, but was to call up a friend?

A. Yes.

Q. And that friend was Clayton Keehe; is that right?

A. Yes, sir.

Q. And you knew he had been connected with the old Alpha Club on Leaside; is that right?

A. I knew he had gambled in his younger days.

HIS LORDSHIP: Excuse me, Mr. MacKinnon.

Q. When you got the telephone call on - the first call, in any event ---

A. Sunday night?

Q. Sunday night, yes - the voice said it was Feeley talking?

A. A voice said, "My name is Vincent Feeley. I would like to make an appointment to see you."

Q. He identified himself as Vincent

Feeley?

A. Yes.

Q. And then, later, McDermott and Feeley arrived?

A. The next evening.

Q. Yes. Did you recognize Feeley's voice as the one who had called you?

A. No, sir, I couldn't recognize the voice. I had only talked to him once on the telephone and he was there in person. As a matter of fact, the man who said he was Vincent Feeley actually may not have been him.

Q. Well, you have since been shown a picture of Vincent Feeley, haven't you?

A. Yes.

Q. And do you identify him as the man?

A. Yes.

Q. Why did you say a moment ago that he may not have been him?

A. From the telephone, your lordship.

Q. I see what you mean.

A. The phone.

Q. I see. Then was the voice that spoke to you in succeeding days the voice of Feeley?

A. There were three succeeding calls on the telephone. The voice was the same every time. I would say it resembled the call on the first telephone call.

Q. And how did it compare with the voice of Feeley during the discussion you had with McDermott and Feeley about the possibility of a gas station being opened on 400 Highway?

A. This was the discussion in the house?

Q. Yes.

A. McDermott did the talking there, sir. Feeley said hardly anything, if anything. McDermott did the talking.

Q. Then you would be more familiar with McDermott's voice than you would be with Feeley's?

A. Yes.

Q. And was it McDermott's voice on the telephone, as far as you thought, in any event? Was it McDermott's voice on the telephone during these succeeding days?

A. My thinking was that it was the same voice who had said that he was Vincent Feeley.

Q. On the first incident?

A. On the first call.

Q. And not McDermott?

A. I think not.

Q. You think not?

A. No.

Q. Just a moment. Do you remember being interviewed by me?

A. Yes.

Q. And do you remember what you said then as to who it was?

A. Not exactly, no.

MR. MacKINNON: I can't hear the witness.

THE COMMISSIONER: "Not exactly".

MR. MacKINNON: Thank you.

THE COMMISSIONER: You went on and told me about the call you received on the Sunday night, and you related that there was, in the same month when the above incident occurred, a telephone call from a person who didn't identify himself but by whom you thought could have been McDermott?

A. I believe the voice sounded like the voice who represented himself as Feeley, your lordship.

Q. You didn't tell that when you were interviewed here on February 27th.

A. I am sorry. I believe now that the voice sounded like that of the man who said he was Vincent Feeley on the first telephone call.

Q. All right.

MR. MacKINNON: Q. I was asking you about your friend, Mr. Clayton Keohe.

A. Yes.

Q. And I asked you if you didn't know that he had been connected with the Alpha Club when it was in Leaside?

A. I had heard that there was some connection.

Q. Yes.

A. Many years ago, of course.

Q. And he was a fairly big-time gambler, wasn't he? That is a fair representation of him?

A. I had heard of his gambling.

THE COMMISSIONER: That is not the question. Repeat it.

MR. MacKINNON: Do you want to repeat the question, Mr. Reporter, please?

THE REPORTER: "And he was a "fairly big-time gambler, wasn't "he? That is a fair representation "of him?"

THE COMMISSIONER: And the answer?

A. I don't know that.

MR. MacKINNON: Q. But you know him quite well,apparently. You described him as a friend?

A. I described him as a good friend.

Q. You met socially?

A. Yes, sir.

Q. And do you know that it was Jackie Riggs - you have mentioned his name already - was the man who arranged for the transfer of this Alpha Club charter and operations from Leaside to Cooksville?

A. I don't know him.

A. I don't know him.

Q. Had you ever met Jackie Rigga?

A. I don't know the man.

Q. Now, did you know any of Keohe's associates in the old Alpha Club, if I can call it that? Do you know "Razer" Sullivan?

A. Yes, I know Sullivan.

Q. Do you know that he was associated with Keohe in this club?

A. I have seen Sullivan while raiding the club, but I never saw Mr. Keohe. I didn't know him at that time.

Q. How about Jackie Hyman?

A. I don't know him.

Q. Johnnie Brennan?

A. I know Brennan.

Q. Did you know of his association with the old Alpha Club?

A. I had heard of it.

Q. And with Keohe?

A. I had heard of it.

Q. And John Garrity?

A. I believe it is Dave Garrity.

Q. Dave Garrity?

A. Yes.

Q. Also with the Alpha Club and with Keohe?

A. I never saw these men at the club, but I have heard.

Q. You knew that Keohe had an interest in the club?

A. I had been told that he had.

Q. Did he never ask Keohe subsequently?

A. We have never talked about it.

Q. Now, you heard he did have an interest in the club? Do you remember that - that Keohe did?

A. I can't recall.

Q. Do you know who else had an interest in the old Alpha Club?

A. No, I don't.

Q. And do you tell us Mr. Keohe said he didn't know Feeley or McDermott?

C/3 A. That kk is what he told me.

Q. What interests me, Mr. Bartlett, is why didn't you yourself take the money back with another officer?

A. Take it back to whom?

Q. To Feeley or McDermott?

A. I don't see how this could work.

Q. Why?

A. They would laugh at you.

Q. You didn't want the money?

A. That is right.

Q. Why didn't you take it back in that fashion?

A. My idea was that if the money could be returned the news of its return would spread throughout the gambling fraternity.

Q. Wouldn't it have spread even farther ---

THE COMMISSIONER: Well . . .

MR. MacKINNON: I am sorry.

THE COMMISSIONER: No, go ahead.

MR. MacKINNON: Q. And wouldn't it have spread even farther and faster if you took it back to these people and said, "Here, you keep you tainted money," and walk out and leave it in their flowerpot, only leave it in front of them?

A. I couldn't see that being successful.

Q. Why not? You could have left it there. You said you knew who had left it?

A. I believed it had been left by MacDermott or Peeley or some of their ---

Q. Yes ---

THE COMMISSIONER: Or some of their . . . ?

A. Or some of their people.

MR. MacKINNON: Q. So if you took it back directly to them and put it on the table and walked out, wouldn't that have been a very direct and effective way of getting rid of this money? You didn't want it, it wasn't yours?

A. Well, of course, I couldn't prove that they left it. I believed that they left it.

Q. You weren't worrying about proof. You weren't trying to prove anything, apparently?

A. I thought this was the better way to handle it. I considered it for several

days.

Q. Then ---

THE COMMISSIONER: Just a moment.

Q. I am interested in an earlier answer you made to the effect that if you had brought the money back they would have laughed at you and the news would have got around. Is that what yousaid a moment ago?

A. The news of the money's return would spread throughout the gambling fraternity ---

Q. Yes.

A. - if I was successful in having it sent back.

Q. Yes. Well, did you think that would be a reflection on you?

A. No, this is what I wanted so that my name could be kept as known - that of an honest police officer.

Q. Well, all right, if that is what you wanted, and if you thought the news would get - would circulate rapidly among the gambling fraternity, then why didn't you adopt the means that would result in that end?

A. Take it back myself?

Q. Yes.

A. I didn't think of it. I thought I needed some help.

Q. I thought a moment ago you did think of it but you didn't think it could be accomplished?

A. I am not so sure it would be successful.

Q. Which did you mean - that you did think of it and concluded it wouldn't be accomplished ---

A. I actually ---

Q. Just a moment. Which answer do you want me to accept, the one that you didn't think of it ---

A. I didn't think of it.

Q. - or that you did think of it but concluded that it couldn't be carried out successfully?

A. I actually didn't think of that operation.

Q. Then, what did you mean by saying that you reached the conclusion that if you brought it back yourself the news would have spread rapidly and they would have laughed at you?

A. My statement, I believe, my lord, was that if I could be successful in having it taken back, or sent back --

Q. No, you were asked why you didn't take it back yourself. As I recall your answer it was this, that if you took it back yourself they would have laughed at you and the news would have spread rapidly.

A. I think they would have laughed at me.

B. I am not so sure it would be successful.

C. Peter did [illegible] take her back.

B. Why [illegible]

C. [illegible]

B. [illegible]

C. [illegible]

B. [illegible]

C. [illegible]

B.

Q. Now, all that occurred to you at the time, did it?

A. I don't believe itdid, my lord, at the time.

Q. Well, why were you telling me a moment ago that it did?

A. It had just been brought up here, sir.

MR. MacKINNON: Q. Did you think that Clayton Keohe was one of the big figures in the gambling world and would know what to do?

A. I thought that he may know McDermott and Feeley.

Q. But he told you he didn't?

A. When I asked him he said he didn't.

Q. All right, then, why give it to him?

A. I asked him if he could have it returned. He said he would see what he could do.

Q. So far as you were concerned, he could keep it?

A. No.

Q. You don't know to this day whether it has been returned?

A. I believe it has been returned.

Q. You don't know?

A. I got the phone call again, the same voice. That leads me to believe that the

money was returned.

Q. And that was on Saturday, August 3rd?

A. That is correct.

Q. Why didn't you make a diary entry of this very important transaction?

A. This was all included in the "flowerpot" entry, as far as I was concerned.

Q. Mr. Bartlett, that "flowerpot" entry was put in, according to your evidence, at least give days before the money was returned.

A. Yes.

Q. How could it be covered by something that hadn't happened yet?

A. Well, it is part of the same set of circumstances.

Q. It wasn't part of the same set of circumstances as of July 30th, 1957?

A. I say it was.

Q. You hadn't returned the money yet?

A. This is the day the money was left there.

Q. That is right, and you still had the money?

A. It was there all week.

Q. Yes, and you say you returned it on August 3rd?

A. Yes.

Q. And you say your entry for four or five days previous, saying "flowerpot," was

sufficient to cover your gyrations in getting the money back to these people - your contact with Clayton Keohe and ---

A. Yes, I say that.

Q. Have you sworn that since August of 1957 you have never spoken to Joseph McDermott or Vincent Feeley? Is that your evidence?

A. I have never seen them since they came ---

Q. You have never spoken to them? Is that your evidence?

A. That is right.

Q. On the telephone or in any other fashion?

A. Any place.

Q. And then you stated that you told the present Commissioner about it, but wasn't that after the arrest of Wright?

A. Oh, no. No, this was after the present Commissioner was appointed as Commissioner.

Q. Would you have a diary entry for that?

A. I don't believe so.

Q. Can you tell us when?

A. I would say soon after his appointment, which was August 1st. When he was appointed as Commissioner, I thought he had a right to know.

Q. August 1st, 1958?

A. Yes.

Q. He had been Acting Commissioner since May, 1958?

A. Yes.

Q. But you didn't feel he had a right to know until after he had been appointed Commissioner?

A. That is correct.

Q. Why not? Didn't you want to unburden yourself to someone of this very serious matter?

A. Well, in any event, I didn't tell him until his appointment was confirmed.

Q. Were you particularly friendly with Police Constable Wright?

A. Not especially.

Q. Well, did you know him better than, say, the other members of gk the Anti-Gambling Squad, apart from Sergeant Anderson?

A. The only time I ever saw Wright was when he came to my office to get a warrant signed.

Q. And would he be the one that would come fairly frequently to get a warrant signed?

A. Half of the branch came. He was one of them.

Q. Would you see him at this fraternal organization that he joined?

A. I never saw him there.

MR. MacKINNON: Now, I wonder if I could have that warrant.

THE COMMISSIONER: Yes. (Document handed to Mr. MacKinnon)

MR. MacKINNON: I have here a warrant dated the 5th day of May.

THE COMMISSIONER: What exhibit is that?

MR. MacKINNON: Exhibit 86.

THE COMMISSIONER: Thank you.

MR. MacKINNON: It is dated the 5th day of May, 1960. (Exhibit shown to witness) Is that your signature on it?

A. That is my signature.

Q. And that was a warrant that you issued? And signed?

A. That is correct.

Q. I take it you look at these warrants when you sign them? They are not very lengthy?

A. I look at them, as a rule.

Q. And you could see that they were raiding, in this warrant, the Ramsay Club, 1648 Stanley Avenue, in the City of Niagara Falls; is that correct?

A. Yes.

Q. And do you say that you didn't call Joseph McDermott and/or Vincent Peeley and advise them on that date that you had signed this warrant?

A. I have never called them at any time.

Q. Do you say that you didn't call them on this date? That is what I am concerned with?

A. Yes; yes.

THE COMMISSIONER: Or anybody else?

A. Or anybody else.

MR. MacKINNON: Did Mr. Riggs describe to you what had happened after he left you with this $1,000?

THE COMMISSIONER: Mr. Who . . . ?

MR. MacKINNON: Mr. Keohe, rather.

THE WITNESS: Mr. Keohe.

MR. MacKINNON: Yes.

A. He called me a couple of days later and said that he had given the money to Jack Riggs.

Q. Now, you have met him socially a number of times since this incident, haven't you?

A. Yes.

Q. And hasn't he given you a more elaborate and detailed explanation as to what he did?

A. No, he has not.

Q. Why not? Surely you asked him?

A. I beg your pardon?

Q. I said, surely you asked him what happened?

A. I was satisfied to have taken his word that the money had been returned, especially after receiving the phone call from the same voice. I took from that that they had received the money.

Q. But you didn't ask what, him he did or where he went or how he handled it?

A. I didn't ask him.

Q. And he didn't tell you?

A. That is right.

Q. All he mentioned was ~~that~~ Jackie Riggs?

A. Correct.

Q. Now, did you know Riggs had an interest in the Centre Road Veterans Club?

A. I don't know the man. I wouldn't know him if I saw him.

Q. The name was familiar to you, I suggest?

A. I have heard of him.

Q. And you have heard of him in connection with these gambling clubs - gaming houses?

A. I have heard of him, if I recollect correctly, as being a bookmaker. I don't know whether he had a gambling club or not.

Q. And do you swear that this episode of the money being left in the flowerpot took place on a Tuesday, July 30th, as you have it entered in your diary?

A. That will be correct.

Q. It couldn't possibly have been a Saturday?

A. Saturday is the day I called Mr. Keehe.

Q. It couldn't possibly havebeen a Saturday, the day the money was left?

A. I got the call on the Tuesday. I would think I would only get the call when it was left.

Q. I think my question is pretty direct and fairly clear. I am asking you, it wasn't on the Saturday, or a Saturday, that this money was left in the flowerpot and you were told about it and you found it?

A. It was on Tuesday that I was told about it.

Q. And it was on a Tuesday that you found it there?

A. That is correct.

Q. I just wanted to get that clear. Now, just while we are on it, July 29th is the only other pencilled entry, which says - maybe you had better read it to me. (Diary handed to the witness)

A. This says: "Paul Bower, Chicago, compassionate message".

Q. Now, what was that?

A. Paul Bower is a personal friend who had relatives vacationing in Ontario. There

had been a death in the family and he phoned me from Chicago, asking me if I could locate the relatives.

Q. Now, why would a message of that kind be entered in your diary, Mr. Bartlett, when you hardly enter anything else, and you entered it in pencil. Why would you enter such a call in your official police diary, when everywhere else all we can see is "Reported Office"?

A. Well, I would have just a little more to do with this. This meant a radio message to Muskoka to locate the parties. I would think that would be the case.

Q. You would tell somebody to follow it up, wouldn't you?

A. I would have to record the name.

Q. Yes, but on June 2nd, 1958, when you had a fairly important message on the Ramsay gambling club in Niagara Falls, which was also a phone message with names mentioned and American gangsters referred to, you made no entry in your diary on it, yet you made an entry of this kind in pencil about "Paul Bower, Chicago,compassionate message." You figured this was so unusual you would have to put it in your police diary?

A. The Bower message had to be followed through from day to day to ascertain

whether or not the people were located. This is the only reason I can think for it.

Q. There is no other reference to it in your diary?

A. No.

Q. No "mission completed" or "people located"?

A. No, but they were located, by the way.

Q. Wouldn't the radio room keep this record and havethis record?

A. Well, they perhaps may forget to let you know and I wanted it checked because the man was a personal friend.

Q. Well, we have your explanation. Do you know a Mrs. Margaret Brennan?

A. (Pause) Mrs. Margaret Brennan? No, I don't recall a Mrs. Margaret Brennan.

Q. Do you recall a Mrs. Brennan, if I leave off the "Margaret"?

A. Would it be a Mrs. Fred Brennan?

Q. Well, you are in the right family.

A. Yes.

Q. Do you know a Mrs. Fred Brennan?

A. Yes, I believe I do.

Q. And in what connection do you know her?

A. I knew her many years ago as an informant of bootlegging establishments.

Q. Have you ever discussed police

raids on gambling clubs with Mrs. Fred Brennan?

A. Oh, no.

Q. Never?

A. Never.

Q. Did you ever tell her of pending raids?

A. I wouldn't tell anybody ---

THE COMMISSIONER; Did you ever tell her?

MR. MacKINNON: Did you ever tell her?

A. No, sir.

Q. Have you ever talked to her on the telephone?

A. Not for many years.

Q. She would know your voice? You have spoken to her on occasions?

A. She might knowit.

Q. You have spoken to her?

A. Oh, yes, I have.

Q. When would you say was the last year - let us leave it as bread as that - in which you spoke to her, either directly or on the telephone?

A. I haven't spoke to her directly for many, many years.

THE COMMISSIONER: How many?

A. Oh, I'd say twenty.

MR. MacKINNON: Oh, you haven't spoken to her for twenty years?

C/S A. Directly.

how

Q. Oh, about indirectly?

A. On the telephone she calls periodically. She may have called within the last year and a half or two years.

THE COMMISSIONER: What did you mean when you said you hadn't spoken to her directly?

A. Mr. MacKinnon said, "Directly" and I took it from that.

MR. MacKINNON: I don't think I used the word "directly". You used it.

THE COMMISSIONER: You used it.

A. I understood ---

Q. Well, it doesn't make much difference. What did you mean when you said you hadn't spoken to her directly?

A. I meant directly, person to person, on the street.

Q. I see. I don't think Mr. MacKinnon was limiting itto that.

MR. MacKINNON: No, I certainly wasn't.

Q. You have spoken to her on the telephone in the last year and a half, at least?

A. She calls on occasions.

Q. Have you never called her, let's make it within the last five years?

A. No, I have never called her.

Q. Never?

A. I would know where to call her.

Q. Is Fred Brennan Johnny Brennan's brother, the man I mentioned as having a connection

with the Alpha Club?

A. I believe he is.

Q. Well, you know that, don't you? That is your information?

A. Yes.

Q. Do you have, or did you have, anything to do with the issuance of liquor licences?

A. No.

Q. At no time?

A. That is right.

Q. That doesn't come under your jurisdiction, applications for liquor licences?

A. No, that is the Liquor Licensing Board.

Q. I know, but don't they have police reports?

A. They do request police reports on occasions.

Q. And would that be under your jurisdiction?

A. Not at this time, but some years ago it was.

Q. How long ago?

A. Previous to - I was a Staff Inspector at the time. That is perhaps eight or nine years ago.

Q. Were you ever offered any money in connection with applications for liquor licences and securing police approval?

with the Altos study?

A. I believe so is.

Q. Well, did those steps, don't just

A. Yes.

Q. Do you have, or did you have

anything to do with the Tensions of Ilmen

Ilmenway?

Q. [illegible]

C. At the time?

A. Then to right.

C. That would's some other [illegible]

Q. Or, that is the Ilmen Ilmenway

Ilmen?

Q. I know, but that's what those

Ilmen [illegible]

A. Some of Ilmen [illegible]

to [illegible].

Q. And would also be [illegible]

Ilmenway?

A. Not we only know, but were there

two 16 was.

Q. How long ago,

A. Probably by - I was a Navy

[illegible] on a ship also.

Q. Some [illegible] and [illegible]

to [illegible] Navy ship.

Ilmenway was [illegible] Ilmen Ilmenway

[illegible] Ilmen [illegible]

Ilmen [illegible] Ilmen Ilmenway

[illegible] Ilmen [illegible]

[illegible] Ilmen [illegible]

[illegible] Ilmen [illegible]

A. No, sir.

Q. Never?

A. Never.

Q. I notice in your diary entry for Saturday, June 29th, 1957, you have - this is one of your more extensive reports - it is reported, "55 Fleet Street East Judge W.T. Robb".

A. Yes.

Q. What would that be in connection with?

A. That would mean I had an appointment with him.

Q. For what purpose?

A. In all probability he called me - we were good friends - or I may have called him.

Q. Oh, it wouldn't have to do with anything - with any liquor licence application?

A. No.

Q. Or anything in line with your police duties?

A. It may have had something to do with police duties. We assist him with his complaints of various licensed establishments.

Q. Do you have charge of that? Is that under your jurisdiction, or was it?

A. Not now ---

Q. Was it?

A. -- although the Branch does come

under my ---

Q. It does?

A. Yes.

Q. And it did in 1957?

A. Yes.

Q. And those reports with regard to these complaints would be forwarded to you, I take it, then?

A. They would go to Staff Inspector Shaughnessy now, who handles this branch of the business.

Q. In 1957?

A. Yes, sir.

Q. They would go to Shaughnessy or to you?

A. To Shaughnessy.

Q. Would they not come to you as being the superior to Shaughnessy?

A. No, they would be attended to by Shaughnessy, just the same as the Anti-Gambling was attended to by Sergeant Anderson.

Q. But there is a superior to Shaughnessy, just as there is a superior to Sergeant Anderson?

A. Yes.

Q. And you were that superior?

A. Yes, that is right.

Q. Yes. Were you ever approached in that connection by anyone to have a favourable report made out or an unfavourable report suppressed?

A. No, sir.

Q. You can remember no such occasions?

A. That is right.

Q. Would you be required to sign any documents with relation either to applications for liquor licences or with regard to reports you would make back to Judge Robb on the investigations of complaints? Would your signature be on those documents?

A. I would perhaps initial them. They would first of all be signed by the officer who made them.

Q. So you would see them, then, if you initialled them?

A. Yes.

Q. And it would require your initial, wouldn't it, before anything further could be done?

A. Yes.

Q. And it didn't have to go higher than you?

A. That is right.

Q. Now, once again I am interested in your entries. All you have here is just the address and "Judge W.T.Robb"?

A. Yes.

Q. Why would you put such an entry in your police diary without some elaboration of what it was about, because apparently you can't remember, which is understandable.

A. What year is this?

Q. 1957. I haven't had an opportunity of looking at your other diaries yet. (Diary handed to the witness)

A. Well, it can only mean that I had a date with him.

Q. It can only be what?

A. It can only mean that I had a date with him.

Q. Why did you put that rather routine matter, and maybe a social matter, in your police diary?

A. I don't know of any particular reason for it other than that.

C/S Q. And then you would notice, I take it, in brackets, at the end of the entry, it is "long-distance"?

A. Yes.

Q. What significance did that have?

A. It would perhaps mean a long-distance call. What day of the week is this?

Q. Saturday, June 29th.

A. Well, that would be that call to his home about something in Orangeville.

Q. Then you called him?

A. If it is a Saturday, yes.

Q. Saturday, June 29th?

A. I probably called him.

Q. I take it you would recognize Mrs. Fred Brennan's voice if you heard it?

A. Well, that is doubtful.

Q. Isn't her voice rather distinctive?

A. I don't believe so.

Q. That is all, thank you.

THE COMMISSIONER: Have you some questions, Mr. Brewin?

MR. BREWIN: One or two, yes.

THE COMMISSIONER: Very well, we will take a ten-minute recess.

---Short recess.

(Page 4360 follows)

EXAMINED BY MR. ERWIN:

Q. Mr. Bartlett, you gave evidence about giving the money, the thousand dollars, to Kehoe, and then you said that he reported back to you that he had given it to Jack Riggs. I take it that you did not know Riggs at all?

A. I didn't know him, I don't know him.

Q. Then your evidence yesterday was:

"Q. What was his explanation for "giving the money to Jack Riggs?"

And your answer was:

"Apparently he thought Riggs "perhaps knew something about it "or would know where it had come "from"

Do you remember answering that question in that manner?

A. I don't remember exactly.

Q. This is at page 4273 of the transcript of the evidence you gave yesterday

"apparently he thought Riggs "perhaps knew something about it "or would know where it had come from".

THE COMMISSIONER: What page is that?

MR. ERWIN: Page 4273 at the foot, line 29 and 30.

Q. Do you remember giving that evidence yesterday?

A. Not exactly, sir. I was content to leave the money in the charge of Mr. Kehoe

Q. Well, you say here that you asked for an explanation of why he had given it to Riggs, whom you did not even know apparently, and he said apparently he thought Riggs perhaps knew something about it or would know where it had come from. That was your answer yesterday.

A. Or could find out. Well, I believe that is reasonable.

Q. Did you not make any further inquiry to see whether Riggs did know where it had come from?

A. No, sir, I did not.

Q. Or what Riggs had done with the money?

A. I made no furtheyinquiry, for the reason that I received the last telephone call where the same voice said: "Mr. Bartlett, I am sorry you cannot see things our way".

Q. So you assumed from that did you, that it got back to the - the thousand dollars had got back to Feeley or McDermott?

A. Yes, I did.

Q. It did not occur to you as being possible that Riggs might have put the money in his pocket, kept it?

A. It did not occur to me, no.

Q. And you did not bother to inquire from your friend, Mr. Kehoe, or from Mr. Riggs if in fact Feeley or McDermott had accepted the money back?

A. I made no inquiry.

Q. I thought you stated that the purpose of this scheme was to get it back to Feeley and McDermott so that thegambling fraternity would know you were not taking the money?

A. That was my idea.

Q. Why didn't you inquire a little more into what had happened to it?

A. I was just glad to be rid of it, I suppose.

Q. Was it not of some importance to find out what in fact was the source of this money? You had only guessed, I take it, that it was Feeley and McDermott?

A. It may have been a guess, but it satisfied me that the money had been returned.

Q. Well, you say that Riggs might haveknown something about it, Kehoe said he might have known something about it. It seems rather an odd thing to hand over a thousand dollars to someone because he might

have known something about it. Did you not follow up to see whether Riggs had in fact handed the money over to any person, people who had expected it back?

A. Had I not received this last telephone call, I believe I may have done some following up.

Q. I suggest to you that it might be rather important that if Riggs was able to say that Feeley or McDermott had accepted the thousand dollars back and acknowledged that it was theirs, that might be of some importance with a view to possible prosecution for attempting to bribe you. Did it not occur to you it was a matter that you, as a police officer, ought to follow up?

A. Whether or not they would acknowledge it, I can't say.

Q. I guess you can't.

A. However I was satisfied that it was returned.

Q. Satisfied that it was returned, and you did not inquire any more then from Mr. Kehoe as to his knowledge, or did not askhim to inquire further as to what Riggs had done with the money?

A. I did not inquire.

Q. Then to revert to a different subject altogether, we have had evidence - I don't wish to go over it in detail with you -

from Inspector Hatch, which you do not recollect, that you asked the name of the informer and at this interview, I think it was, in October of 1957. You stated you do not recollect any such request?

A. That is correct.

Q. Can you tell me what possible interest you might have in the name of the informer?

A. None whatever.

Q. None whatever. You say you would not have any interest whatever?

A. That is right.

Q. If you did make such a request, you cannot conceive of any reason why youwould be interested?

A. That is quite right, in the informant, that is, I would not have any interest.

Q. You had no interest whatever?

A. That is right.

Q. In the name of the informer?

A. Correct.

Q. I suggest to you that perhaps some other people might be very interested in the name of the informant and that if you knew of it you could pass it on to them?

A. That is just one more reason that I would not want to know about it.

Q. I see, so you say that if you did make that inquiry you had no reason for making it at all?

A. Exactly.

Q. And can you suggest any other reason than that perhaps it would be useful information for some other person, if not yourself?

A. Can I hear that again?

Q. Could you suggest any other reason for your wanting to know that name but that it would be of interest to someother person to whom you might pass it on?

A. No, I can't.

Q. That is all, thank you.

MR. ROSE: I have no questions, thank you.

THE COMMISSIONER: Mr. Wilson?

EXAMINED BY MR. WILSON:

Q. You have talked about procedures as to confidential memoranda so far as you were concerned, and I tried to learn something about this from Mr.Norman Phelps and what would his knowledge of those

procedures be. Mr. Norman Phelps, what knowledge would he have of the procedures in regard to these reports?

A. I would say that he would have complete knowledge, since he is in the Commissioner's office.

Q. Well, he is the executive officer of the force?

A. That is correct.

Q. Now, if he states that directives from the Commissioner to the anti-gambling branch were filed at times in the general file or that, if confidential, would be filed in care of the officer in charge, would that be correct?

A. That would be correct if he says so, but, Mr. Wilson, there were also other confidential reports that are kept in the Commissioner's office.

Q. If he says that the original where it is going out from the Commissioner, would be kept in the files of the anti-gambling branch and a copy in the confidential files of the Deputy-Commissioner, would he be correct?

A. The original I believe, would be kept with the Commissioner, and I believe you are speaking now about Deputy Commissioner Lochead's time, are you not?

Q. Well, he did not restrict it in that way.

Procedure is. Mr. Justice Darling once

Commissioner would be more of his proceedings

in regard to minute treatment

A. I would say that he would

any complete material, since we do in the

Commissioner's office.

Q. Well, in the case mentioned

either of the former

A. That is correct.

Q. And if in either such

circumstances that the contempt

complained of was filed as known in the

Central Office to that, if sufficient, would

be filed in case of the officer in charge,

would that be necessary

A. That would be covered if no

other Act, Mr. Riddy, there were also

other confidential reports that are kept in

the Commissioner's office.

Q. If no steps had been taken

beyond if to permit one from the Commissioner,

would be kept in the files of the anti-Communist

bureau and a copy in the confidential files

of the Deputy-Commissioner, would be covered

by keeping with the Commissioner, and I believe

was a practice for many Deputy Commissioners

command's time, was that not?

A. The original I believe, would

be in that way.

A. I can only tell you that I had some of the reports. I kept them ---

Q. Is it not a fact that you got, after you became deputy commissioner you had copies of these confidential reports or memoranda going forward to the anti-gambling branch?

A. No sir. If I can enlighten you here, after I became deputy commissioner, August 1st, 1958, my complete files were handed to assistant commissioner Kennedy who now took over the administration of the branch.

THE COMMISSIONER: That was not the question.

MR. WILSON: Q. Thatis not what I asked you. I said, after you became deputy commissioner on August 1st, 1958, did you not get a copy of these confidential memoranda from the Commissioner to the anti-gambling branch and kept them in your files?

A. I never had another gambling file in my office.

Q. I did not ask you that. Did you get a copy of these memoranda, confidential memoranda from the Commissioner to the anti-gambling branch?

A.Concerning gambling?

Q. Concerning anything?

A. No sir.

Q. Now, did you say that none of theseconfidential memoranda from the anti-gambling branch came to your attention?

A. I cannot say none of them, Mr. Wilson. I may have received some.

Q. I think you qualified it by saying something to do with a bawdy house or something?

A. Yes, more routine operations.

Q. Now, I will just show you a few reports here that I have, all dealing with unit 327 Walker Road, all being dated in 1957, and all being marked "confidential" and all being original reports of Sergeant Hatch, as he was at that time, dated August 15th, 1957, September 19th, 1957 and October 3rd, 1957. Now, let us take the first of these three and there is a notation on that "August 19th".

A. "Mr. Bowman on vacation three weeks".

Q. That looks like your printing to me?

A. It is mine.

Q. Yes, that is what I thought. So that came to your attention, that confidential report?

A. Correct.

Q. Now, let us take the next one, September 19th, 1957, and I see on that one "Jas. B." Those are your initials, aren't

they, on that one?

A. That is correct.

Q. So that one came to your attention?

A. Correct.

Q. Then the last one, October 3rd, I see you forwarded a copy of that to Mr. Common under date of October 3rd, and that is your signature on that particular report?

A. Correct.

D/2

Q. And that too is marked "confidential"?

A. That is right.

Q. And has to do with the same gaming establishment?

A. Yes, sir, it has.

Q. So that you did receive from time totime reports from the anti-gambling branch about these gambling establishments?

A. Yes sir.

MR. WILSON: And those will be exhibit ----

THE REGISTRAR: 144, A,B and C?

THE COMMISSIONER: Yes.

---EXHIBIT 144 A,B,and C: Reports of Sergeant Hatch re 327 Walker Road, dated August 15th 1957, September 19th, 1957 and October 3rd, 1957.

MR. WILSON: Q. When I said anti-gambling branch, those three are examples of reports from the district, from Hatch?

A. I understand.

Q. I just want to clear that up. Where the reports related to a gambling establishment such as the Roseland and came forward from the district, would they pass over your desk?

A. I believe some of them would.

Q. Well, such as the examples we have here?

A. Yes sir.

Q. Would that also be true of reports coming in ~~&~~ from other districts where those major gambling establishments were located?

A. Yes, sir, that is right.

Q. So that the distinction you were making was that certain reports of the anti-gambling branch as such ----

A. That is correct.

Q. would not come to your attention?

A. This is quite right.

Q. Now, this report, or this police diary of yours of 1957, which has been filed as an exhibit, did you tell my friend that the rest of your diaries or some of your

diaries are missing?

A. I lost about thirty of them.

Q. What ones have you left?

A. From 1957 on. I have five left.

Q. Well, we would like to have the other diaries.

THE COMMISSIONER: I think they are here.

MR. MacKINNON: Yes, they are here.

MR. WILSON: I haven't seen them. While they are here we can take a look at them.

Q. These are official police diaries?

A. Yes sir.

Q. And where are they kept?

A. They are kept in my office.

Q. At headquarters?

A. Yes sir.

Q. Now, this diary of 1957, did it remain at headquarters?

A. It remained at headquarters.

Q. Up until what time?

A. Until one day I took it to a solicitor.

Q. Now, is it not a fact that you took the diary home after the preliminary hearing of the charges against Wright, McDermott and Feeley commenced?

A. I had forgotten about that. That is quite right.

Q. And it is my recollection that that would be early 1961?

A. Yes, after the first trial of McDermott.

Q. Well, how long did you keep it at home after that trial started?

A. I would say several months.

Q. Wasn't that contrary to police procedure?

A. There wasn't too much wrong with it. It was my own diary. While it was police property, I wanted to study it. This is the reason I took it home.

Q. So you had it home for several months after this preliminary hearing started, and then you say you turned it over to your solicitor, and did you turn it over to your solicitor, before this Commission was set up?

A. He had it a very short time, perhaps a day and a half when, as you remember, I was instructed to get it back.

Q. You were instructed by me to get it back?

A. Yes sir.

Q. Or by the Commissioner. Now, that being so, do I understand that the diary was out, away from headquarters, from

early in 1961 until, say, a couple of months ago?

A. For several months, I would say.

THE COMMISSIONER: We can fix the date.

MR.WILSON: I think the interview, Mr. Commissioner, was February 27th, 1962.

THE COMMISSIONER: You brought it back to this office next day?

A. The same day, sir.

Q. The very same day?

A. The same afternoon.

Q. The same afternoon, that is February 27th, 1962?

A. Correct.

MR. WILSON: Q. So it had been away from headquarters from the time the preliminary hearing started in the case against McDermott, Feeley and Wright, whenever that date was and I think we have been told it was around March of 1961?

A. I would say yes.

Q. That is all, thank you.

THE COMMISSIONER: That is all for now.

---The witness left the stand.

MR. WILSON: I will call Mr. Clayton Kehoe.

CLAYTON WILLIAM KNOX, sworn:

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. I ask for the protection of the Canada Evidence Act and the Ontario Evidence Act.

THE COMMISSIONER: He has asked for the protection of the Canada Evidence Act, and you may have it, provided, of course, that you understand this, as the result of the protection, that any evidence you give here today cannot be used against you, but you are still obliged to speak the truth and if you do not speak the truth under oath you are liable to be charged with perjury.

A. I understand.

Q. You understand that?

A. Yes.

MR. WILSON: You reside in the City of Toronto?

A. Yes sir.

Q. And what is your occupation?

A. Hotel proprietor.

Q. How long have you known the last witness, Deputy Commissioner Bartlett?

A. Well, 15 years, probably more.

Q. In what connection have you known him?

A. Well, I imagine through the hotel. He came for lunch many times, stopped at a summer hotel.

THE COMMISSIONER: Pardon?

A. He has stopped at a summer hotel, the Belvedere in Parry Sound, many times.

MR. WILSON: Q. Well, do you meet him socially fromtime to time?

A. Quite often.

Q. So that you are good friends?

A. Yes.

Q. Now, at one time did you have something to do with the operation of the Alpha Club when it was located at Thorncliffe Park in Leaside?

A. Thirty years ago.

Q. And that was a gambling operation?

A. Well, yes, all types of gambling, cards.

THE COMMISSIONER: Speak up.

A. Cards, played cards, played dice.

MR. WILSON: Q. Then what did you have to do with the moving of that operation to what was then known as the Moody's place at Cooksville?

A. Well, actually I had nothing to do with it.

Q. Had you ceased to have any connection with the Alpha Club?

A. Well, I was at Moody's place in Cooksville.

Q. You were at Moody's place?

A. At the moving of it, I couldn't tell you exactly, I was away when it happened, and when I came back, as I remember, it was at Moody's place.

THE COMMISSIONER: Where was Moody's place?

MR. WILSON: I was just going to ask the witness.

Q. Moody's place is the location of what became known as the Centre Road Veteran's Club?

A. I believe the property is, I think.

Q. The building was too, wasn't it?

A. I am not sure. I think it is a different building. I don't know.

Q. As of what year did you cease to have any connection with the Alpha Club when it was located at Moody's place?

A. Well, to my recollection it was there only two or three months.

Q. Then what happened?

A. Frankly, just closed.

Q. It was closed?

A. Just closed.

Q. Well, what year, have you any idea what year that was?

A. No, I haven't any idea. I would say '36 or '7, I am guessing.

Q. And do you know Joseph McDermott?

A. I know him - I have met him.

Q. How long ago did you first meet him?

A. Well, it would be late in 1957 or '8. I don't know him, I just met him.

Q. Have you met him on occasions since that time?

A. Seen him. I have nodded to him on the street.

Q. At the time you met him did you know what his occupation was?

A. Well, I had heard.

Q. Yes, and do you know Vincent Feeley?

A. Yes.

Q. When did you meet him?

A. Well, I believe he was a bell boy or waiter in 1942 or '3 at the Belvedere Hotel. I vaguely remember, I met him later and he reminded me that he worked

there.

Q. Over recent years have you seen Vincent Feeley from time to time?

A. A couple of times, two or three times.

Q. Were you ever out at the Centre Road Club after they took over?

A. Never.

Q. The operation?

A. No.

Q. When did you meet Jack Riggs for the first time?

A. I have known him quite a few years, 20 years.

Q. And what to your knowledge has been his connection with gambling in this area during that time?

A. Well, I guess he has been a gambler.

Q. And do you recall a telephone call from Deputy Commissioner Bartlett in the summer of 1957?

A. Yes.

Q. And what did he ask you to do at that time when he called you?

A As I recall he asked if he could see me, he would like to see me.

Q. Just tell us what happened after that?

A. Well, he said "I will pick you

up in front of the Embassy".

THE COMMISSIONER: I can't hear.

A. That he would pick me up in front of the Embassy, I am sorry.

Q. In front of the Embassy Hotel?

A. That is right.

Q. That is your hotel?

A. That is right.

MR. WILSON: Q. And did he do so?

A. Yes.

Q. Do you know the date when this --

A. Well, actually I am accepting - I believe it was August 2nd. That is what Mr. Bartlett ----

Q. You mean he has told you that?

A. Uh,hm.

Q. Have you talked this over with him recently?

A. Well, he has mentioned dates, but actually I let it skip my mind. I believe it was August 8th.

Q. I am asking you whether you have talked this over with Bartlett recently?

A. Well, I imagine we have discussed dates, yes.

Q. Within the last few weeks?

A. Possibly, yes.

THE COMMISSIONER: Don't tell me possibly.

A. Well, yes. I would say

within the last month.

MR. WILSON: Q. Do you know what day of the week it was?

A. Well, he tells me it was a Saturday and I somehow cannot get that in my mind. I thought it was a weekday, but I will accept Saturday.

Q. After he picked you up at the hotel, what did you do?

A. He drove me to his home.

D/3

Q. What did he tell you?

A. On the way up he told me about having two visitors who wanted some help from him regarding, I believe, a gasoline station on 400, I think.

Q. Some help about a gasoline station?

A. Well, if he could do something about the site, that was his story, but that he told me that it was McDermott and Feeley.

Q. And what else did he tell you?

A. Well, we arrived at his home. He took me around to the back of the home. He reached under the steps and he came out with quite a wad of money.

(Page 4380 follows)

MR. WILSON: Q. Well, before you reached his residence did he tell you anything about this money?

A. He said, "I have a surprise for you."

Q. This was the surprise?

A. That is right.

Q. And he reached into what? Where was this, around at the back?

A. Well, it was underneath some steps at his home. He said it was a flower pot. Actually, I don't -- I looked and I believe there were several flower pots there.

Q. And it was money?

A. Yes.

Q. Was it parcelled up?

A. Well, it had one elastic around the centre. The ends were -- It wasn't wrapped up.

Q. Did you count it?

A. No, I did not.

Q. Then, what did you do?

A. Well, he asked me if I knew McDermott or Feeley.

Q. What did you say?

A. I said, "No, I do not". I said, "I know Feeley slightly".

Q. You knew both of them at that time?

A. No, I did not. I am sorry, it was afterwards I met McDermott.

Q. You met McDermott afterwards?

Mr. GILDER: ... Well, before you continue
for refreshments did he tell you anything about
this dummy?

A. He said, "I have a friend for you,"

Q. This was the afternoon?

A. That is right.

Q. And he invited this chap -- Gray
was this, around at the Trinity

A. Well, it was somewhere around
at his home. He said it was a flower pot.

Gilmartin, I don't -- I forget and I couldn't
swear anymore Stone-- Gilmartin.

Q. And it was wrong?

A. Yes.

Q. Was it pronounced

A. Well, it had one syllable around
the corner. The word was -- It wasn't anything

Q. Did you count it?

A. No, I did not.

Q. Then, what did you do?

A. Well, he moved me if I knew Mr. Gilmartin
or Phillips,

Q. What did you say?

A. I said, "No, I do not." I said,
"I know Wesley & Liebly".

Q. You knew Wesley & Liebly then?

A. No, I did not. I am sorry, it was
afternoon I met Mr. Gilmartin.

Q. Was not Mr. Gilmartin's

A. Yes, that is correct.

Q. Where did you meet them after?

A. Well, I believe they flew in the plane. Feeley introduced me to him, as I remember.

Q. Where, on a plane?

A. No. They flew into Parry Sound. I also met him at the garage on Bay Street. I am driving home with a friend of mine and he -- which he introduced me; he said, "This is Joe McDermott".

Q. How long was this after the flower pot incident?

A. Well, I would say it would be a month.

Q. A month. Coming back to the day you went with him to the backyard and he took out this money --

A. Yes?

Q. -- what did he ask you to do?

A. Well, he seemed to distress him. He said -- I imagine he thought I might know them and I said to him, "Well, I don't know them". I did know Feeley, slightly, as a waiter, which was twenty years ago. I vaguely remembered him. Other than I met him on the street once or twice, which he reminded me he had worked at the hotel. So, he said, "They have been 'phoning and I would like this money to be returned". I said, "Well, I might try and help you".

I don't know whether he suggested or I suggested my helping, but I took the money.

Q. Why would you undertake this particular job?

A. Well, he asked me to do him a favour.

Q. And why would you owe him a favour of that kind?

A. Well, I don't know that I owed him a favour; we were friends. It was his request.

Q. Did you then take the money into your possession?

A. Yes.

Q. And in its unwrapped form?

A. It had an elastic around it. Yes.

Q. Yes. And did you tell him what you proposed to do to get the money back to Feeley or McDermott?

A. No, I did not. I didn't. I hadn't made up my mind.

Q. What happened after that?

A. I took the money and he dropped me off at the Embassy. I put it in an envelope, a bank envelope.

THE COMMISSIONER: Q. A what?

A. A Toronto-Dominion Bank envelope. I was under the impression I went to the bank and got the envelope but he tells me it was a Saturday.

MR. WILSON: Q. What gives you the idea it was August the 8th?

A. I don't know. That is what he tells me.

Q. That is a Thursday.

A. Then, I may be mistaken.

Q. You thought it was a week day?

A. Yes.

Q. And he tells you it was a Saturday?

A. Yes.

Q. Having got the envelope, what time of the day was this you got back to the Embassy?

A. I would say that would be twelve o'clock, twelve-fifteen. Twelve, probably.

Q. Having put the money in the envelope, what did you do next?

A. Well, I had lunch at the Embassy and I went down to the King Edward Hotel.

Q. What did you go there?

A. Well, I had Riggs in mind.

Q. You had Jack Riggs in mind?

A. That is right.

Q. Why did you have him in mind?

A. Well, I knew him and I knew that he knew McDermott and Feeley, played out there, went out to the club a lot. And that was --

Q. Did you know whether he had an interest in the Centre Road Club?

A. Well, I didn't know for sure. Rumour had it that he did. He never told me that he had.

Q. He never admitted?

A. No.

Q. Did you call him before you went down to the King Edward?

A. No, I did not.

Q. What happened when you got to the King Edward Hotel?

A. He was there.

Q. In his usual spot?

A. Well, I believe he came upstairs when I was coming up from the cafeteria, I imagine, or from the barber shop. He was with some people so I imagine it was the cafeteria.

Q. What made you think you would find him there, just by going down to the King Edward?

A. Well, I had seen him there a great deal. As a matter of fact, I have quarters in the King Edward about three and a half months of the year, my associate, Mr. Pibbles from Parry Sound and I have, and I am there every day for many years during that period of time.

Q. And you knew he was there?

A. Well, I had seen him.

Q. So you went down to the hotel on the off-chance you would find him?

A. Well, I was pretty sure I would find him there.

Q. You saw him coming up from the cafeteria?

A. Well, or I might have had him called.

Q. Are you quite sure of that?

A. Well, I am sure. Well, I believe he was at the top of the step. You mean, am I quite sure he was coming from the cafeteria?

Q. No, where you met him?

A. Yes.

THE COMMISSIONER: Q. Where did you meet him?

A. At the King Edward Hotel.

Q. Yes, but what part?

A. Well, I think -- I believe I looked in the cafeteria first and didn't see him and came up -- I might have gone around the lobby and came back and he was close to the steps, as I recall. Close to the steps; in the newsstand. He could have been at the newsstand.

MR. WILSON: Q. What happened then, when you located him?

A. I said I would like to talk to him.

Q. Yes?

A. He was with two or three men. And he walked away with me.

Q. Where did you go to have your talk?

A. I believe by the house 'phones. Just across the lobby.

Q. Over on the east side of the lobby?

A. That is right.

Q. And what was the conversation you had with him?

A. I said to him, "A couple of men

you know might have made quite a mistake". I said, "James Bartlett gave me this money. There is a thousand dollars in this envelope and it was left under the steps of his home and", I said, "he was quite sure in his mind McDermott or Feeley might have left it".

THE COMMISSIONER: Q. Who said that?

A. Well, Mr. Bartlett told me.

Q. I see.

A. And that he would like it returned to them.

MR. WILSON: Q. Yes. What did Riggs say to all that?

A. Well, he seemed -- Mr. Riggs doesn't say much but he seemed -- what was I talking about, or something, and I believe I repeated it and he took the envelope.

Q. He took the envelope?

A. That is right.

Q. Did he say he would return it to McDermott or Feeley?

A. I don't know what he said. He said, "I will see what I can do". But, he took the envelope.

Q. And was that all the conversation you had?

A. Yes, that was precisely the conversation. I don't recall anything else.

Q. After that meeting did you talk to Riggs again about the money in the envelope?

A. I believe I once said to him, which could have been two months later, I am not too sure of this, "I hope you looked after that", or something to that effect.

Q. What did he say?

A. Well, he nodded.

Q. After your meeting in the King Edward with Riggs did you make any report to Bartlett?

A. Yes, I told Mr. Bartlett who I gave the money to.

Q. And when you met Feeley and McDermott about a month later did you say anything to them about whether they got the money back?

A. No, I did not.

Q. Why not?

A. Well, I -- didn't want to. I had made up my mind I would forget the matter.

Q. Did you hear anything further about this money?

A. Never.

Q. After that time until you were subpoenaed to ~~xxxx~~ give evidence here?

A. No, never.

Q. You say that prior to giving your evidence here, in the last few weeks you have talked over the circumstances and the dates with Deputy Commissioner Bartlett?

A. That is correct.

Q. That is all, thank you.

THE COMMISSIONER: Q. Are you sure of the year, Mr. Kehoe?

A. Well, I am sure of the year, my Lord. Well, I am sure he told me the year; but I remember it was '57.

Q. Never mind what he told you.

A. Yes, I can remember it was '57.

Q. If he had not told you what year it was would you be sure of it?

A. Yes, quite positive.

Q. What would make you so positive whether it was '56 or '57?

A. Well, I remember the incident, my Lord.

Q. Or '58?

A. I remember the incident.

Q. I am not questioning that, that you remember the incident?

A. Yes.

Q. But do you remember the year of the incident?

A. Well, I am pretty sure. I had forgot about it, true enough. But, I would say yes, I am sure of the year.

Q. Is there anything you associate with this that makes you certain it was 1957?

A. Well, I guess possibly Mr. Bartlett and I talked about it.

Q. Since?

A. Since '57, that he would -- if I would

years, Mr. Kelsey?

A. Well, I am sure of the years, my Lord. Well, I can only be told me the years but I remember it was '47.

Q. Never mind what be told you.

A. Yes, I can remember it was '47.

Q. If he had not told you what year would you be sure of it?

A. Yes, quite positive.

Q. What would make you so positive whether it was '46 or '47?

A. Well, I remember the building, my Lord.

Q. Do '46?

A. I remember the building.

Q. I am not questioning that, have you

A. Yes.

Q. But do you remember the year of the building?

A. Well, I am pretty sure. I had forgot about it, some enough. Now, I would say, I am sure of the year.

Q. Is there anything you remember with what month you connect it was in?

A. Well, I guess probably my thirties and I talked about it.

Q. Since?

A. Since '47, that be wrong -- if I would

remember.

Q. Did you own the Belevedere Hotel in Parry Sound in 1957?

A. Yes.

Q. And that is a summer operation?

A. That is correct.

Q. So, would it be fair to say you would be up in the hotel at Parry Sound pretty much all the time?

A. Pretty much all the time in the summer. That is correct. I can't search my mind, what I was doing, but I guess it must have been I was here to find help, that I was there on a Saturday because I don't remember not being there on a Saturday in many, many years.

Q. I suggest to you that was not in 1957?

A. Well, -- I am almost sure it is.

Q. You are almost sure now?

A. Yes.

Q. What makes you so certain?

A. Well, my Lord, I have been trying to fix it in my mind and say that I am certain. But, possibly, remembering the year.

Q. Is it possible you may be mistaken in the year?

A. I don't think so.

Q. I see. All right.

Mr. MacKinnon?

EXAMINATION BY MR. MacKINNON:

Q. Mr. Kehoe, I would like your best recollection, and not what you have discussed with Mr. Bartlett in the last two or three weeks. Quite frankly I think your recollection may be a little more accurate than Mr. Bartlett's, so try and abuse your mind of what Mr. Bartlett told you happened and on what days it happened and give me your best recollection. Do you understand?

A. Yes.

Q. Have you ever been convicted of a gaming offence?

A. Never.

Q. You have no police record?

A. That is correct.

Q. You did tell us that you had an interest in the Alpha Club? I believe it was on Baden Street?

A. I beg your pardon?

Q. In the old Alpha Club, you had an interest in it?

THE COMMISSIONER: What address?

MR. MacKINNON: Baden Street.

Q. Is that correct, in Leaside?

A. Well, I don't recall the address.

MR. WILSON: Bader, B-a-d-e-r.

MR. MacKINNON: Bader. I put an "n" instead of an "r".

Q. Does that help you to recall?

A. Well, the street I don't recall.

Q. And you had an interest in that club?

THE COMMISSIONER: I think he said so.

THE WITNESS: At a time.

MR. MacKINNON: Q. 30% interest, I have been told?

A. No.

Q. What was your interest?

A. Ten. At times twenty.

Q. Who else had an interest in the club?

A. Well, Mr. Sullivan and Mr. Garrity.

Q. That is 'Razor' Sullivan. He is known as "Razor" Sullivan?

A. Yes.

Q. And who else?

A. Brennan.

Q. That is Johnny Brennan?

A. Yes.

Q. Did Fred Brennan have an interest?

A. Not to my knowledge. He may have had a small cut.

Q. He worked there, in any event?

A. Yes.

Q. That is Razor Sullivan, John Brennan. Who else?

A. Mr. Armstrong.

Q. What is his first name?

A. I believe Michael.

Q. Yes. Who else?

A. And Mr. Garrity.

Q. That is John Garrity?

A. David Garrity.

Q. David Garrity. I am sorry. How about Jackie Nyman?

A. No.

Q. He had no interest?

A. Not to my knowledge.

THE COMMISSIONER: Q. This is how long ago?

A. Thirty years.

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R1/F1

MR. MacKINNON: Q. It is a little more recent than that. Did not it burn down in 1941? You remember that.

A. Well, I had no interest then.

Q. This was before it moved to Cooksville. Didn't the premises burn down? Isn't that one of the reasons for moving?

A. I remember it burning down but I believe it was earlier than '41.

Q. 1941. You had an interest in it up until it burned down, whatever date that was?

A. That is right.

Q. Did Jackie Riggs have an interest in this club?

A. Not to my knowledge.

Q. You were a partner or had a percentage; you would know who had an interest, wouldn't you?

A. Well, I believe sometimes partners share some of their percentage.

Q. They have silent partners?

A. Well, I don't know, silent. I don't know. I don't believe he did.

Q. Did you have any partner with whom you shared your percentage?

A. No.

Q. At no time?

A. No.

Q. When you were operating or had an interest in this club, would you receive tip-offs

as to pending police raids?

A. I never have. I don't know -- I wasn't there.

Q. You knew what was going on and you would know, you would certainly be advised if the operators did have advance information on police raids?

A. Well, I might not be advised. I certainly had no knowledge of any police raids.

Q. You would know after a police raid had been made that it had been made, wouldn't you?

A. That is right.

Q. And you would be told, I suggest, that the police had not been successful because the people who were there, the found-ins, knew the police raid was going to be made so they were ready for the police. Isn't that right? Isn't that right?

A. I had no knowledge of it.

Q. I am not asking you that question. I am asking you whether you were not advised.

A. I was not advised.

Q. Whether you were not advised that the people who were there at the time of a police raid or police raids which would be made on these premises had been tipped off that a police raid was to be made?

A. Well, I possibly could surmise, but I knew nothing about --

Q. You never discussed it with your partners?

A. Well, they never discussed it with me, whoever received it. I don't know that any were received.

Q. And, then, you stated that you did have an interest in the club for a short while after it moved to the Cooksville location. For, I believe you said, two or three months.

A. Well, I have forgotten how long. It is many years ago. I did, yes. I had an interest.

Q. Wasn't it Jackie Riggs who arranged for this move?

A. I don't believe so. Not to my knowledge.

Q. Didn't he have an interest in the club at that time when it first opened in Cooksville?

A. No.

Q. Search your memory, now.

A. No. Honestly, I don't believe so.

Q. Apparently you knew him quite well, in any event.

A. Well, yes. I knew him. He was Mr. Brennan's nephew.

THE COMMISSIONER: Q. What?

A. Mr. John Brennan's nephew.

MR. MACKINNON: Q. And you would meet

him at the Alpha Club in any event?

A. Never too much.

Q. But you knew he was Mr. Brennan's nephew?

A. Yes that is true.

Q. And have you never attended any gaming clubs since the first two or three months that the Alpha Club was in operation at Cooksville, when you say you dropped out?

A. Well, I really can't tell. Could you give me the year?

Q. How about around 1948, that appears to be the year that the Alpha Club started operating extensively in Cooksville, according to the police information we have? You had dropped out of the picture then?

A. No.

Q. Since that date you have never attended a gaming establishment in this province?

A. Certainly I don't think Cooksville. I know not Cooksville since '48.

Q. How about some of the establishments in the city of Toronto?

A. No.

Q. Do you ever attend the Jordan Club?

A. I have been in the Jordan Club.

Q. Would you meet Mr. Rigan there?

A. Would I meet him there?

Q. Did you meet him there?

A. No. I saw him there. I believe I did go to the Jordan Club.

Q. You went on more than one occasion?

A. No, I think I was only twice in my life in the Jordan Club.

Q. And when would that be?

A. It could be '56, '55, '57; I am not sure.

THE COMMISSIONER: Q. Where was it located at that time?

A. On Adelaide Street.

MR. MacKINNON: Q. What were you doing there?

A. Well, I believe I had lunch there on one occasion and the other occasion I think I went to bet on a Grey Cup game, or something like that.

Q. Did they have a ticker tape there, do you remember?

A. I believe no.

Q. Did you bet on any sporting events while you were there, apart from the Grey Cup?

A. Well, I don't believe I bet on this occasion there. I have bet with Riggs on football.

Q. Does he run a bookmaker's establishment in the King Eddy?

A. Not to my knowledge.

Q. You never placed any bets on the

horses with him?

A. No, I never did.

Q. Pardon?

A. No, I never did.

Q. Have you ever participated in any floating crap games in this city?

A. No, never in a floating crap game.

Q. Have you ever participated in a crap game run by these professional gamblers?

A. That is what I meant, but floating, no. I have played dice with friends.

Q. Quite apart from friends, have you ever played in a game that was operated by Maxie Baiser?

A. No, I never did that.

Q. Do you know him?

A. To see, yes.

Q. Would you have met him at one of these dice games?

A. No.

Q. Or gambling establishments?

A. No. I know him very vaguely.

Q. You did not meet either Feeley or McDermott at the Jordan Club?

A. I believe I met Feeley there -- saw Feeley. I don't think I met him.

Q. You were not talking to him?

A. I don't recall. I was there only a few moments.

Q. Was this when you were having lunch?

A. Well, no, I am not sure.

Q. Any other Toronto club that you have attended in the last 5 years, shall we say?

A. No.

Q. Gambling club I am talking about.

A. No.

Q. None at all?

A. None at all.

Q. Have you given us all the names of your associates in the Alpha Club that you can remember?

A. Well, yes. That I am aware of, yes.

Q. Did you know Ernie Midgely?

A. Yes, I know Ernie Midgeley.

Q. In what connection?

A. Well, I have known him many years.

Q. First of all with the old Alpha Club?

A. Well, I believe he was around the Alpha Club, yes.

Q. Did he have any interest in it?

A. No.

Q. Have you kept meeting him from time to time thereafter?

A. Well, I see him.

THE COMMISSIONER: Q. And when did you last see him?

A. I believe I saw him the other night.

Q. Where?

A. At the Millar Golf Dinner.

Q. Just a moment. What night would that be?

A. I think Wednesday night.

Q. Just a moment. That would be --

A. This week, my lord.

Q. May 9?

A. Yes.

Q. Where?

A. I believe it is called Millar Club Dinner at Bayview -- Its a new golf club on Steele's Avenue. I am sure it is Bayview.

Q. What do they call it, the Millar -- Is it the Millar Club Golf Course?

A. Millar Club 200, I believe is the right name.

Q. Where is it?

A. Well, its where they had their dinner.

Q. Where is it located, in the Metro area?

A. The Millar Club?

Q. Yes.

A. I don't believe its located anywhere. Its a group of people who help young Canadians in golf.

Q. Where was the dinner held?

A. I believe its the Bayview, a new club on Steele's Avenue west of Bayview.

Q. Just a moment. Were you talking to him?

A. I spoke to him, yes.

Q. For how long?

A. Oh, a few minutes.

Q. Did he tell you what he is presently doing?

A. No.

Q. Did he tell you where he is presently living?

A. No, he did not.

Q. Did he even remotely suggest that he had been down in Charlotte, North Carolina?

A. No.

Q. Not?

A. Actually, the people with me, a couple of people that we were talking with, and he never mentioned Charlotte.

Q. Did he say he was living at home?

A. He did not say.

Q. You did not touch on that subject at all?

A. No.

Q. As to where he was living?

A. No.

Q. Or what he was doing?

A. No.

Q. What brought him to the dinner, do you know?

A. Well, I would imagine that he is a

member of that group that sends in a contribution yearly.

Q. He is a member of the Miller Club 2007

A. I would gather he would be; he could be a guest, I don't know.

Q. Is that a chartered club, do you know?

A. I don't think so, no.

MR. MacKINNON: Q. Was Mr. Riggs with him?

A. No. Well, I didn't see him/

Q. You did not see him that night?

A. No.

Q. Did you not speak to him about this commission? You were under subpoena at that time, weren't you?

A. Yes. I called Riggs.

Q. I am talking about Midgely now, did you not discuss this commission with Midgely and have you not discussed it with him in the last month?

A. Well, I did discuss it with him. Well, I didn't discuss it with him, I told him I was subpoenaed.

Q. Had not you spoken to him before this meeting of Wednesday night?

A. Yes, I have seen him.

Q. And you have spoken to him about this commission and your giving evidence here?

A. Well, I told him I was subpoenaed.

Q. Yes, but he went further than that and he went further than that in the conversation; didn't he?

A. No.

Q. Didn't he discuss what kind of evidence you would be giving here?

A. As to Midgely?

Q. Yes.

A. No.

Q. You just said, "I have been subpoenaed by the Royal Commission", and that was the end of the conversation?

A. Well, I think --

Q. What?

A. I don't remember discussing anything more with him.

Q. Why would you tell him?

A. Well, I knew that he and Riggs were very close friends and I knew Riggs -- I understood Riggs was subpoenaed.

Q. Where did you first tell him you were subpoenaed, there were you?

A. I believe in Florida. I was at the golf tournament.

THE COMMISSIONER: Q. You met him in Florida, did you?

A. Yes.

Q. Where?

A. The Dorland golf and country club.

Q. Spell that, will you, please.

A. My lord, I am not sure. I believe it is D-o-r-l-a-n-d.

Q. Where in Florida is that located?

A. Near the air port, in that area.

Q. In Miami?

A. Well, that would be Miami City. Its near the air port in Miami.

Q. Who was he with at the time?

A. As a matter of fact I drove there with him.

Q. Well, we are getting there.

MR. MacKINNON: It is like pulling teeth.

THE COMMISSIONER: Q. You drove there from home?

A. I went to the club there itself. I went from the hotel where I was living.

Q. Where were you living?

A. In Miami Beach.

Q. What hotel?

A. The Seaview.

MR. MacKINNON: Q. Was he living there, too?

A. No.

THE COMMISSIONER: Q. Where did you pick him up?

A. As a matter of fact, he picked me up.

Q. In his car?

A. Well, a rented car, I think.

Q. Well, in a car that he was driving?

A. Yes.

Q. And did he know where to locate you?

A. Well, I imagine he might have called the Embassy.

Q. Pardon?

A. He might have called the hotel; I am not sure.

Q. You mean, the Embassy Hotel here in Toronto?

A. Yes.

Q. How long had he been in Florida?

A. I have no idea.

Q. And how many times did you meet him?

A. That is the only time. I think I saw him a further day at the place.

Q. At what place?

A. At the golf club.

Q. Is he a golfer? xxxx

A. He is a golfer, yes. This was a golf tournament we were watching.

Q. Oh, a golf tournament. When did he return to Toronto?

A. I have no idea.

Q. When did you return?

A. Some time early March, March 4 or 5. I am not sure.

Q. How long after you returned before you next saw Midgely?

A. I believe at the Miller club the other night.

Q. You told that?

A. Yes. I may have seen him on the street but I don't recall having.

Q. To get back to Charlotte: Do you know whether he went from Miami to Charlotte?

A. I have no idea.

Q. You do not know anything about Charlotte?

A. No.

Q. All right.

MR. MacKINNON: It is after 1:00 o'clock, sir.

THE COMMISSIONER: Is it?

MR. MacKINNON: Yes.

THE COMMISSIONER: At 2:15.

---whereupon the inquiry adjourned at 1:06 o'clock p.m. until 2:15 o'clock p.m. on Friday, 11th May, 1962.

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---On resuming at 2:15 p.m.

MR. WILSON: I want to recall Deputy Commissioner Bartlett for a minute.

JAMES BARTLETT, recalled:

MR. WILSON: Q. I would like to have particulars of where you did your banking from the years 1956 down to the present time?

A. (produced)

Q. This is the only account you have?

A. That is the only account.

MR. WILSON: Yes. Well, possibly, Mr. Commissioner, - - -

THE COMMISSIONER: Let me see that.

MR. WILSON: Yes. Will you hand that to the Commissioner?

THE COMMISSIONER: Q. This just goes back to October, 1960?

A. That is a new book.

Q. Have you got your old one?

A. I don't have the old one.

Q. What branch is this?

A. Dundas and University.

Q. Is that the only bank you have been dealing at for a number of years?

A. Yes, I would say for about 15 years.

Q. Have you any other account in any other bank?

A. No other account and no other bank.

Q. Any trust account?

A. No trust account.

Q. Have you a safety deposit box?

A. No sir.

Q. Has your wife a separate account?

A. She doesn't have an account.

Q. No account anywhere?

A. No.

Q. Has she a safety deposit box?

A. No sir.

Q. Have you any family?

A. No family.

Q. What is your monthly salary?

A. It is $660.00.

Q. And are you paid monthly or semi-monthly?

A. Semi.

THE COMMISSIONER: Thank you.

MR.WILSON: That is all, thank you.

---The witness retires.

THE COMMISSIONER: All right, Mr. Kehoe.

CLAYTON WILLIAM KEHOE, resumed.

THE COMMISSIONER: All right, Mr. MacKinnon.

MR. MacKINNON: Q. Now, you were telling us at the adjournment, witness, that you had seen Midgely for one day and that & you were down in Florida and played golf with him that day?

A. No, I didn't play golf with him.

Q. What did you do?

A. We watched a golf tournament.

Q. Were you sitting or walking or doing both?

A. Well, walking.

Q. Anyone else there besides the two of you from Toronto or area?

A. No. There was, I believe, a Mr. Merton from Buffalo. I am not sure he was with us. I was with him another day, I am sorry.

Q. You must have been a fairly good friend of Mr. Midgely for him to go to the trouble to find out where you were?

A. Well, I have known Mr. Midgely. We are not good friends, actually.

Q. Why would he call the Embassy to find out where you were?

A. I imagine to get my address,

but I don't know. But he did.

Q. Why?

A. Well, he was going to Florida, I guess.

Q. Why would he be interested in seeing you? There are a lot of people who go to Florida?

A. That is true, but he had seen me in Florida other years.

Q. That is what I am suggesting. You were better than mere acquaintances. You knew each other pretty well?

A. Pretty well, yes. It is a long time.

Q. Certainly a long time. You knew he had an interest in the Centre Road Veterans Club, too?

A. I don't know for sure.

Q. You heard?

A. Heard, yes.

Q. Why didn't you take the money to him? You knew him very well. Why didn't you take the thousand dollars to Midgely?

A. Well, I thought I knew Riggs better.

Q. So Riggs was more than a mere acquaintance of yours, then?

A. Well, he was the one I knew, under the circumstances, I thought the best.

Q. Did he play golf with you and

that I don't know." That he did.

Q. Why?

A. Well, he was going on Tuesday,

I guess.

Q. Why would he be interested in

Tarkington?

A. That is true, but he had seen

it in Florida under other names.

Q. What is what I am suggesting.

You have seldom been unsuccessful. Is

that such other pretty well?

A. Pretty well, yes. It is a long

time.

Q. Constantly a long time.

Was there he had an interest in the Century Road

Company Club, now?

A. I don't know for sure.

Q. You heard?

A. Almost, yes.

Q. Why didn't you take the money

to him? You knew him very well. Why didn't

you take two thousand dollars to Pittsburg?

A. Well, I thought I knew Higgs,

anyway.

Q. Do Higgs and some time a year

corporations or stock, then?

A. Well, he was the one I knew,

under the circumstances, I thought the best.

Q. And he play golf with you and

meet with you in Florida?

A. Who? Riggs?

Q. Riggs?

A. No, he didn't play golf. I don't know, but I haven't played golf with him.

Q. Did you know Johnny "Pops" Papalia?

A. No.

Q. You never met him?

A. No.

Q. I take it, you knew of him?

A. Only what I read in the paper, that is all. I never heard of the fellow before I read it in the paper.

Q. Now, you think that you met Feeley later and he reminded you that he had been a waiter at the Belvedere?

A. He came into the Belvedere. Possibly, if I am correct, in the years he worked there, I am saying between 1942 and '45. He came in three or four years later and reminded me that he had worked there. I had forgotten it.

Q. When did you - - he reminded you of this?

A. And then I remembered that he did.

Q. And from then on did you have occasion to see Feeley from time to time?

A. Not from time to time. I never

talked to him five minutes in my life, but I did meet him up the street.

Q. Who introduced you to Joseph McDermott?

A. I believe Feeley.

Q. Where would you meet Feeley for thatpurpose?

A. Well, I don't know where -- they flew into Parry Sound, Feeley and McDermott one day, and it was a Sunday, and the girl at the office told me that three men were in, inquiring about me.

Q. Three men?

A. She said three, and they had gone to Augusta down in Florida. Our dining room wasn't open at that time. And he ~~then~~ introduced me to McDermott as a pilot. They were taking flying instructions.

Q. What did they want to see you about?

A. Nothing.

Q. Just to pass the time of day?

A. Well, that is all they did because it was five minutes conversation.

Q. I thought you stated something about meeting McDermott at some garage?

A. I am not sure whether that was the first or the second, but there is a garage on Adelaide Street.

Q. Who introduced you there?

A. And Feeley was with him.

Q. Feeley introduced you there, if that was the case?

A. Possibly before this.

Q. Feeley at least knew you?

A. Yes, Feeley knew me. I talked to him but I haven't talked to him five minutes, ten minutes in my life.

Q. All right. Then we will go to the episode of the $1,000. You are a close personal friend of Bartlett's, I take it?

A. Yes, we are close friends.

Q. Did he assist you - - have you got a liquor licence?

A. Yes.

Q. Did you receive some assistance from your friend in this connection?

A. No, none.

Q. When did you get your licence?

A. 1937, I believe.

Q. 1937?

A. I think so.

Q. And have you had it continuously since then?

A. Yes.

Q. Have you had more than one licence in more than one location?

A. No, just the summer, beverage room licence in Parry Sound.

Q. And do you have any in Toronto?-

A. No.

Q. Pardon?

A. Just my partnership inthe Embassy.

Q. And has it got a licence?

A. Yes.

Q. When did you acquire that?

A. 1937.

Q. The same time as you acquired the licence in ParrySound?

A. No. Parry Sound, I think, was 1935 or 1934. I am just not sure.

Q. And during this period of time you did have an interest in this gambling establishment, in '35, '37?

A. Yes.

AA/2

Q. In '35, '37?

A. Yes.

Q. There is no doubt about that, is there?

A. I don't believe. I am not sure. I am not sure whether the clubs were open or not in that year.

Q. Now, do you have any other hotels you own?

A. No.

Q. Do you have an interest in one in Florida?

A. No.

Q. Not at all?

A. I did years ago. Many years ago.

Q. When did you get rid of that?

A. Well, it was a lease. We never owned it.

Q. Did you have associates in that venture, from Canada?

A. My associates in the Belvedere.

Q. And nobody else?

A. No.

Q. Who was that?

A. Mr. Peebles.

Q. That is the only one who had any interest in the Florida lease, apart from yourself?

A. Yes, that is right.

Q. No silent partner?

A. No silent partner.

Q. And apparently you agreed to undertake to return this money. Did you have any discussion with Mr. Bartlett as to why you should be selected for this job? Did you not suggest to him: "Send it back yourself", or "take it back and tell them what they can do with their money.", that this is a round about way?

A. Well, I knew actually - - he asked me if I knew any way of how it could

get back to them.

Q. Well?

A. That was - - -

Q. That is what I am interested in. Why wouldn't you give him the normal answer? "Take it back. Give it back yourself." What was wrong with that?

A. Well - - - -

Q. Pardon?

A. I don't know, frankly. He asked me if I could do it and I said: "Yes".

Q. He was asking you for your assistance?

A. That is right.

Q. Wouldn't you be assisting him if you said: "If you want my opinion, you take it back to those fellows and give it to them orhand it to them and tell them you don't want anything to do with them"?

A. I am very sorry I didn't. I never thought of it at the time.

Q. You are swearing this incident happened, are you?

A. Yes.

Q. There is no doubt in your mind?

A. Absolutely.

Q. You believe when you took it back it was a week day?

A. Well, Mr. Bartlett -- -

Q. Let us not worry about what Mr. Bartlett told you in your discussion.

A. The only thing, when I think of it, I just can't think of me being in Toronto on a Saturday.

Q. You apparently thought you had gone to the bank?

A. Yes, I did, and when I spoke to Mr. Jewitt, I believe I said I went to the bank.

Q. When you spoke to Mr. who?

A. Jewitt. I am not sure whether I said that. It is just in my mind that I had gone to the bank for some reason.

Q. And so if you had gone to the bank, obviously it wouldn't be a summer Saturday?

A. That was -- I still can't explain what I was doing in Toronto.

Q. Incidently - - -

A. I imagine I might say that I was trying to get help and I had some appointment for help to take to Parry Sound. I know I left right after.

THE COMMISSIONER: You left?

A. Toronto.

Q. To go back to Parry Sound?

A. Yes, and I am sure it was help I was bringing back.

MR. MacKINNON: Q. Did Bartlett call you in Parry Sound and tell you he wanted to see you?

A. No, he did not. No.

Q. How did he know you were in town? He knew you quite well, didn't he?

A. Yes.

Q. How did he know you would be in town?

A. I have no idea.

Q. Why wouldn't he automatically call Parry Sound?

A. Well, he might know that much. I didn't see him, really, that much.

Q. Then you say you then had in mind Jack Riggs. Now, how did you know that Riggs had any relationship with McDermott and Feeley?

A. Well, I think that it was very much common gossip and for some years.

Q. Common gossip in what circles?

A. Well, in many circles people hear a lot of people talking about the club and heard about the games.

Q. These were all people you knew very well?

A. You mean the people talking?

Q. Riggs and Midgely?

A. Well, as I said, I have known Riggs twenty years, yes. I have known them

both, I guess, twenty years.

Q. Did Riggs give you any indication of what his interest was in the club?

A. No, never. I don't know that he had an interest. He never admitted it.

Q. How about Midgely?

A. Never.

Q. Incidently, talking about Midgely and discussing your presence here before this Commission; did Midgely suggest he might be giving evidence, as well?

A. Never.

Q. No discussion as to what his position might be?

A. Never mentioned it.

Q. Did he not suggest to you, Mr. Kehoe, that you would be very wise if you forgot as much as you could when you were called?

A. Never.

Q. No suggestion of that kind at all?

A. Nothing whatever.

Q. The only discussion you had you want us to believe, you told him you were subpoenaed and that was the end of the conversation?

A. I never told Midgely, I don't think, I was subpoenaed.

Q. I think you have told us that?

A. I told Riggs I was subpoenaed.

Q. I see. When did you last see Midgely? Last Wednesday?

A. Last Wednesday.

Q. And you didn't tell him you were subpoenaed? I thought you did?

A. Yes, I might have. I might have told him that, but I don't recall.

Q. You had no discussions with him about this Crime Commission when you were down in Florida?

A. No. He then knew the Crime Commission had started.

Q. You were under subpoena?

A. No, I don't think so.

THE COMMISSIONER: What did you say? Ben knew? Did you say "Ben"?

THE WITNESS: My lord, I don't know what I said.

THE COMMISSIONER: We will find out what you said.

THE REPORTER:

"No, he then knew the Crime Commission "had started."

MR. MacKINNON: Q. You must have discussed it then?

A. Well, as I say, I mentioned it, but no discussion. I had nothing much to discuss with Midgely. I knew that he and

Riggs were closely associated. I believe he was aware of the incident. He knew about the - - at least he never said he did, but I think I might have -- I am sure we might have discussed it, yes.

THE COMMISSIONER: Q. Discussed what?

A. The Crime Commission.

Q. Not the thousand dollars?

A. Well, I don't just recall mentioning the thousand dollars.

MR. MacKINNON: Q. What didyou discuss about the Crime Commission?

A. Well, nothing in particular. I said that I would be called. That I wasn't subpoenaed at that time.

THE COMMISSIONER: Q. What made you think you would be called?

A. Well, I knew that Mr. Bartlett's name was mentioned and it was publicised a great deal about it and I knew also the money he had. He told me that he had reported it to Mr. Clark.

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Q. When did he tell you that?

A. In one of our conversations.

Q. Did he say when he reported it?

A. I don't recall, but it was quite a long time ago.

MR. MacKINNON: Q. You both knew Midgely would be called as well, didn't you?

A. No, we did not.

Q. He was very obviously one, wasn't he, with his close connection with Feeley and McDermott?

A. Well, Mr. MacKinnon, I wouldn't know.

Q. So in this discussion, that aspect of the Commission never came up, then?

A. No.

Q. Midgely's possible involvement, only that you might be called?

A. Midgely told me that he was, I believe, charged, in his conversation, that he had been charged with conspiracy or gambling or something.

Q. He was out on bail at that time, wasn't he?

A. I imagine he was. I am not sure.

Q. And he was out of the jurisdiction. This was in Florida that you met him?

A. Yes.

Q. Who else did you meet down there from Toronto?

A. Oh - - - -

THE COMMISSIONER: I suppose there were a lot of people.

THE WITNESS: There was quite a few people altogether.

MR. MacKINNON: Q. You werethere, Ithink, did you say, three days?

A. No, three weeks to four weeks.

THE COMMISSIONER: Did you see Feeley in Florida?

MR. MacKINNON: Q. Or McDermott? Did you meet Curly Gardner when you were down there?

A. I never saw him in my life.

Q. Do you know Inspector Stringer?

A. I do not.

Q. You didn't meet him?

A. No.

Q. Do you know Giacalone? Do you know Mr. Giacalone from Detroit?

A. I do not.

Q. You have never met him?

THE COMMISSIONER: Q. Did this occur to you? When your friend, Mr. Bartlett, got in touch with you, did it occur to you that he wanted a witness to the fact that he was returning the money?

A. Well, I can't say that it did. What occurred to me, he seemed to be very disturbed.

Q. That may well be.

A. He felt that they would have an idea that he kept the money.

Q. And he wanted a witness to

it being returned, and he knew you were a good mx friend of his and would be a good witness? Pardon?

A. I couldn't answer that, my lord. It didn't occur to me, that Ithought of a witness. What I reallythought, his idea was to see that the money went back.

Q. Did he impress upon you: "That you remember I gave you the money and that you gave it back"?

A. No.

MR. MacKINNON: Q. You din't even know whether it got back?

A. I do not.

Q. You just gave it to this man Riggs?

A. I did that.

Q. And what did you say?

THE COMMISSIONER: Q. And Mr. Bartlett was satisfied with that, was he?

A. I believe he told me, he said that he received a phone call regarding the money. Whoever the caller was.

Q. We have heard about that. But you told him you gave it to Riggs, did you?

A. That is right.

Q. Was he quite satisfied with that? Speak up.

A. I think so.

MR.MacKINNON: Q. Didn't he ask you what happened?

A. Did he ask me what happened?

Q. Yes. Did he ask you what happened and what your conversation was?

A. No, I don't think he did.

Q. It seems a rather disinterested attitude, doesn't it? How the thousand dollars was returned?

A. Well, I thought he was very glad to get rid of it.

THE COMMISSIONER: Q. And very glad to have you know that he was getting rid of it?

A. Well - - - -

Q. Pardon?

A. I don't know that, my lord.

Q. Wasn't he happy, through your assistance, that he had got rid of it?

A. Well, I think he - I think he was, yes.

MR. MacKINNON: Q. Did you count the money?

A. I did not.

Q. Or did Mr. Riggs count the money?

A. No.

Q. So you don't know how much you handed to Mr. Riggs?

A. Only what Mr. Bartlett told me.

Q. I see. And then you had a report back - - first of all, what did Riggs say to you when you handed him this money? You handed him an envelope, did you?

A. That is right.

Q. And said: "This is a thousand dollars". Did you tell him the amount?

A. I told ~~hm~~ him the amount.

Q. And was he not a little surprised?

A. Well, he said nothing, but he seemed to just, as if to say: "What is this?". I told him that I received the money from James Bartlett.

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Q. Yes.

A. Mr.Bartlett's idea was that McDermott and Peeley left it under his back steps and he would like to return it to them.

Q. And what did Riggs say?

THE COMMISSIONER: Just a moment.

Q. Had you finished?

A. Yes.

Q. Well, when you got down to Bartlett's house, he took you out to the back of it?

A. Yes.

Q. And reached under the back steps and produced the money from the flower pot?

A. Yes.

Q. So that, in doing that, he made you thoroughly familiar with the place where it was and all the details, in connection with it?

A. Well, I would say yes.

MR. MacKINNON: Q. I am not quite sure I got your last answer.

THE COMMISSIONER: He said, "I would say yes."

THE WITNESS: I would say yes.

MR. MacKINNON: It must be the question I didn't get then.

THE COMMISSIONER: I say, by Mr. Bartlett taking this witness out to the back

of the house and showing him the back porch, reaching under it and bringing out the $1,000 he thereby acquainted this witness with all the details in connection with where it was and so on.

MR. MacKINNON: Yes.

Q. Coming back again, what did Riggs say when you handed him this strange envelope and said, "Here's $1,000. Bartlett thinks it came from Feeley and McDermott. Take it back.", or something to that effect? What did he say?

A. Well he said very little. He took the money in the envelope and he put it in his pocket, and he said,"I'll see what I can do."

Q. He didn't say anything further about, "Well,why doesn't he take it back himself?"?

A. No.

Q. Or anything like that?

A. No.

Q. So then we have got it in Riggs' hands?

A. Yes

Q. When did he report to you what he had done with it?

A. He actually never reported to me.

Q. And you didn't bother to check up on him?

A. Well, I wasn't too curious. I did say to him one day, in passing, "I hope you looked after that matter," and he sort of nodded.

Q. How would he know what "that matter" referred to?

A. Well, I felt he knew what I had meant.

Q. He is a man of few words, is he?

A. Well, he is very quiet.

Q. And you have never had any discussions about this with Mr. Riggs since - about this $1,000?

A. I have not.

Q. You have?

A. I have talked to him many times since.

Q. About this $1,000?

A. No.

Q. It has never been raised?

A. I never asked him what happened, and he nevervolunteered to tell me.

Q. That is just what I want to get clear on the record.

A. Yes.

Q. There has never been any discussion about it apart from your passing

comment, "I hope you looked after that matter," and he nodded his head?

A. Yes.

Q. Well, you have seen him many times since?

A. Well I don't know how many, but quite a few.

THE COMMISSIONER: Do you know any man named Macnamara at the Jordan Club?

A. I don't know him.

MR. MacKINNON: Do you do your stockmarket trading through Mr. Midgely?

A. No.

Q. You have never used him as a broker?

A. No.

THE COMMISSIONER: Is he a broker?

A. I have never heard of him.

MR. MacKINNON: You don't have any business interests in common with Mr. Midgely?

A. None whatever.

Q. There was one date you gave for the date of return, and you said you believed it was August 8th?

A. Yes.

Q. Now, what made that date stick in your mind?

A. Just that Mr. Bartlett told me the date.

Q. You are not just giving us

evidence of what Mr. Bartlett told you, are you?

A. No, but in 1957 I can't just recall the dates. I couldn't if you - I remember the incidents, but the dates I just can't fix in my mind.

Q. All right, thank you.

EXAMINED BY M.R. BRENKIN:

Q. Now, Mr. Bartlett has given evidence, and I want to read his evidence to you at page 4273, where he said:

"A. Yes, sir, I did. He called "me, I believe, about Tuesday and "he said he had returned the money.

"Q. And didhe tell you to whom he "had returned the money?

"A. Yes, he had, he said he gave "it Jack Riggs.

"Q. And what washis explanation "for giving the money to Jack Riggs?

"A. Apparently he thought Riggs "perhaps knew something about it or "would know where it had come from."

Q. Did you tell Bartlett - - -

A. No.

Q. -- that you thought Riggs knew something about it?

A. I didn't.

Q. You didn't?

A. No.

Q. Did you tell Bartlett that Riggs would know where it had come from?

A. No.

Q. What explanation did you give to Bartlett for having given the money to Riggs?

A. Well, I said to Bartlett that I would try and find out somebody to take it back, and I guess when I called him - - -

Q. "Try tofind somebody to take it back?"

A. Well, I don't know what I said. Isaid, "I'll see what I can do." I didn't tell him that I could send it back. After he asked me if Ithought I could return it or get it returned, I said, "Well, I'll try."

Q. You were entrusted with returning the money to where it had come from, and that was supposed to be McDermott and Feeley?

A. No, I wasn't entrusted. I told Mr. Bartlett that I wouldn't know McDermott if I saw him, and I don't know that I knew Feeley, slightly.

Q.But the money was given to you for the purpose of returning it?

A. Well, trying to return it.

Q. Trying to return it?

A. Yes.

Q. So you went down to Riggs and you gave it to him?

A. Yes.

Q. And you went back and reported that to Bartlett that you had given it to Riggs?

A. I phoned him and told him I had given it to Riggs.

Q. Did you tell him why you had chosen Riggs, as the man to receive $1,000?

A. No, I don't believe so.

Q. You don't believe you did?

A. No.

Q. And yet he was happy with your statement that you had given it to Riggs without any explanation as to why Riggs should get the $1,000; is that right?

A. I would have to agree. I am sure I never -- I never offered any explanation to him for giving it to him.

Q. None at all?

A. I don't think so.

Q. And when he said or swears that apparently he thought perhaps Riggs knew something about it or would know where it had come from, he is wrong? You didn't give him that impression?

A. Definitely not. I told

Riggs where Mr. Bartlett thought it had come from.

Q. As a matter of fact, did Riggs know anything about the $1,000?

A. I am sure he did not.

Q. You are sure he did not?

A. I don't know. I can't swear.

Q. And he didn't know where it had come from?

A. I told him what Mr. Bartlett had told me.

Q. Well, he, Riggs, didn't know?

A. Well, not to my knowledge.

Q. Then I think you have mentioned this already, but your duty - the commission you had accepted, was to return the money, wasn't it?

THE COMMISSIONER: Well - - -

THE WITNESS: Well, to try and return it, I must say.

THE COMMISSIONER: There is no question about that. That is what he was to do.

MR. BRENIN: Yes.

Q. The only other question I wanted to ask you was this. Can you give any explanation as to why, after you had given it to Riggs, you didn't try to find out if he had in fact, returned the money?

A. Frankly, I wasn't too curious.

Q. You weren't too which?

A. I wasn't too curious who he had - - - - -

Q. Supposing Mr. Riggs had taken advantage of this fortuitous present of $1,000 and had kept it? You couldn't have cared less, I gather?

A. No, not that. I asked him one day if he had looked after that matter and he nodded, and I certainly would accept his word for it.

Q. He didn't give you much of a word?

A. No.

Q. You casually asked him if he had looked after some matter without even mentioning what it was?

A. Well, I felt he knew what I was referring to.

Q. You felt he did?

A. Yes.

Q. And you felt his casual nod was sufficient explanation?

A. Well, I just took for granted that it was delivered.

Q. And let me ask you this. Wasn't Mr. Bartlett interested? Did he enquire from you as to whether it had got back to McDermott or Feeley?

A. Mr. Bartlett told me that he had received the call, a sort of self-admittance that it had got back.

Q. He didn't ask you to check as to whether it had got back at all?

A. No, he never did.

Q. To try to find out from Riggs whether he had carried it out?

A. No, he didn't.

Q. Thank you.

THE COMMISSIONER: Mr. Rose . . . ?

MR. ROSE: I have no questions.

THE COMMISSIONER: Yes, Mr. Wilson?

MR. WILSON: I have no questions.

THE COMMISSIONER: That is all, Witness.

MR. WILSON: Now, I call Jack Riggs.

MR. WILSON: Now, I only just figure.

JOHN RIGGS, sworn:

EXAMINED BY MR. WILSON:

THE WITNESS: Before I start giving evidence, your lordship, I ask for the protection of the Court under the Canada Evidence Act.

THE COMMISSIONER: You understand you are still obliged to tell the truth?

A. yes.

Q. And that if you do not tell the truth you are likely to be dealt with severely?

A. I understand.

MR. WILSON: Q. You reside in Toronto?

A. Pardon me?

Q. You reside in Toronto?

A. Yes, sir.

Q. How old are you?

A. Forty-six.

Q. And what is your occupation?

A. I am in the sales promotion with Joseph Price sales.

Q. And how ~~long~~ long have you had ~~them~~ that position?

A. Longer than ten years.

Q. Now - - -

THE COMMISSIONER: You are a sales

promotor for what?

A. In the food business, - Vita-Crisp Products.

MR. WILSON: Prior to that time, Mr. Riggs, what were you working at?

A. I was in the - I worked for C.F.Read and Company for three or four years.

Q. Are they brokers?

A. Yes.

Q. And before that?

A. Before that I was in Stopell Tool and Die Company for a few years.

MR. MacKINNON: What kind of a tool and die company?

THE WITNESS: Stopell Tool and Die Company.

MR. WILSON: Q. Do you know the Jordan Club?

A. Yes.

Q. And were you secretary/treasurer of that club at one time?

A. No, sir.

Q. Were you ever an officer or a director of that club?

A. No, sir, I never was.

Q. Were you a member of the club?

A. Yes.

Q. For how long?

A. Well, I'd say roughly the last four or five years it was in operation.

Q. That would take us up to what date?

A. Ithink the Jordan Club was terminated in 1960, so that would be from 1955 to 1960 - or 1956.

Q. And who was running the club between 1955 and 1960?

A. Robert McLaughlin was in authority most of the time.

THE COMMISSIONER: What do you mean by that?

A. Well, he was the operator of the club. He wasn't a director, though.

Q. What do you mean by "operator"?

A. Well, he was the one in authority there.

Q. Representing whom?

A. Well, he was one of the partners there, representing himself.

Q. And who else?

A. Representing me, to an extent.

Q. To what extent?

A. Well, he had a small financial interest in theclub, and I also had an interest with him.

Q . What was your interest?

A. Between the two of us we had about 15 per cent interest.

Q. Who had the other 85 per cent?

A. There were numerous partners in there during the time. I don't know how it was cut up.

Q. Who were they?

A. I don't recall who they were.

Q. I beg your pardon?

A. I don't recall who they were.

Q. None of them?

A. Not partners, no.

Q. Whom did you think I was talking about? I am talking about the partners. You and McLaughlin had 15 per cent interest between you?

A. Yes.

Q. Who had the other 85 per cent interest?

A. Well, there was Mr.Midgely had an interest.

Q. All right, who else?

A. There was - we just looked after our own. I don't know who - --

Q. Just answer my question. Midgely had an interest?

A. Yes.

Q. Who else?

A. Feeley and McDermott, they were rumored to have one, but I had no proof of their interest in it.

Q. Well, how did you divide up the profits?

A. Well, there wasn't any profits.

Q. It was a loss?

A. That is right.

Q. How long did you have a 15 per cent interest, you and McLaughlin?

A. For three or four years.

Q. How much had it cost you?

A. I don't know. I wouldn't say, your Honour.

Q. Roughly?

A. I never used to take figures that close.

Q. Well, approximately?

A. Well, I couldn't say.

Q. Well, $10,000?

A. No, I wouldn't say. I couldn't remember.

Q. You have some idea how much money you put into it, and I want to know how much it was, to the best of your recollection?

---The witness fainted.

THE COMMISSIONER: Let him sit down. Givehim a glass of water. Let him stay there for a while.

---The witness returned to the witness box.

MR. WILSON: You had better have a chair.

---Chair provided for the witness.

MR. WILSON: Are you all right?

A. Yes, I am all right.

THE COMMISSIONER: Do you feel all right now?

A. Yes, sir.

Q. Take your time. All I want is the truth. I don't want to have to tear it out of you, either.

A. Yes.

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Q. You say that McLaughlin and you had 15 per cent of it?

A. Yes.

Q. And Midgely had an interest?

A. Yes, that is right.

Q. And Feeley and McDermott?

A. That is right.

Q. Who else?

A. That is the only partners I know of.

Q. That is allyou know of?

A. Yes.

Q. Now, I was asking you how much money you put into it?

A. Originally I put in $1,500.

Q. Originally?

A. And that moneywas taken out.

Q. To whom did you pay it? When you say you put $1,500 in, was there ---

A. That was put in to renovate the premises.

Q. Who put up the rest?

A. There were members that pput in the rest, about ten members along with me, and they took it out later on.

Q. I see.

MR. WILSON: What would be the average amount of dues that would be paid in a year in, say, 1955 to 1960, in that club?

A. The members paid $200 a year membership.

Q. $200 a year membership?

A. Yes.

Q. And you say about ten paid about $200 a year?

A. No.

Q. How many paid ---

A. How many members, do you mean?

Q. Yes.

A. The membership?

Q. Yes.

A. The membership ran into maybe one hundred people. I am not sure what the membership list was. I never had any access to the books or the membership list at any time.

Q. Then you had a ticker service in the club?

A. Yes, that is right.

Q. And what information did the ticker service supply? I mean, what came over the wire?

A. The results of sporting events - baseball games, and so forth.

THE COMMISSIONER: Speak a little louder.

THE WITNESS: Baseball games, and so forth - hockey games. Scores and results came over.

THE COMMISSIONER: Covering what area?

A. Pardon me?

Q. Covering what area? Sports events, where? A. North America. The United States

and Canada.

MR. WILSON: And who provided that information? Who assembles it and puts it on the wire? Where did it come from?

A. I couldn't answer that, sir.

Q. Do you have no knowledge ofthe arrangements to get that information by the club?

A. No, sir; that was done by the directors of the club. McLaughlin used to look after that. I imagine they paid the fmn C.N.R. for the service.

Q. I appreciate that, but that is not what I am getting at. I just wanted to know where in the States - what the individual or company was that supplied the service?

A. I couldn't answer that, sir.

THE COMMISSIONER: Well, now, witness.

A. It was a regular teletype that services the newspaper offices, just the same as it would with the club.

MR. WILSON: When did McLaughlin die?

A. He died in 1961.

Q. That was after the club had closed down?

A. Yes, sir.

Q. Now, were you a member of the Vets Club at Cookeville?

A. Yes.

Q. And for how many years were you a

member of that club?

A. Well, ever since the Vets Club charter went in there, actually. I was a member before that.

Q. The Vets' charter went in in July, 1957. Were you a member of theclub prior to that?

A. Yes.

Q. The Army, Navy and Air Force Club?

A. Yes, I was.

Q. And for how many years?

A. Four or five years.

Q. And what was your interest in ---

THE COMMISSIONER: Four or five years altogether you were a member out there?

A. No, before 1957.

MR. WILSON: Q. Now, what was your interest in the Army, Navy and Air Force Club at Cockeysville?

A. I was a member of it.

Q. Were you a partner in the club?

A. I wasn't a partner in the operation of the club, no.

Q. Did you get any share ofthe profits?

A. We used to put - it was a fade game and a bank game, and when we banked the game - if I put into thebank and there were profits, I would get some of the profits, yes.

THE COMMISSIONER: Who is "we"?

A. Whoever put in their money to bank

the game on that particular night, would derive the profits or a portion.

Q. Was it the same group all the time?

A. No, sir.

Q. Who did they include?

A. Any member was privileged to put money in the bank.

Q. Yes. Now, who operated the game?

A. Feeley was the one that was the main operator that I did business with.

Q. And what was your business with him?

A. If there was a bank game going on, I would put on my end of the bank, and at the end of the night, if there was a profit, I would derive my percentage of the profit. If there was a loss, I would pay it.

Q. I suppose it was divided up, then, in proportion to the amount that you put in?

A. Yes, sir.

MR. WILSON: And how many people were required to operate the game?

A. Some nights there might only be two.

Q. Then you would have your lookouts ---

A. Yes.

THE COMMISSIONER: I think he is talking about the actual playing of the game.

MR. WILSON: I know, but over and above

that you would have your other people who would have to be paid?

A. Yes.

Q. You would have your lookouts?

A. They were paid by the steward of the club.

Q. Then who paid for the people who actually worked at the table?

A. We used to work ourselves at the tables.

Q. Do you mean there were no persons paid for work at the table?

A. Anybody that helped at the table, we would pay them out of what we won.

Q. Now, when thechange came about in July ---

THE COMMISSIONER: Excuse me.

Q. Who was the steward at the time you are talking about?

A. Mr. Lafrado.

MR. WILSON: Was that Jack Lafrado?

A. No, Joe.

Q. There were two ---

A. Joe.

Q. Joe?

A. Joseph.

Q. And what is the other brother - Jack? - John?

A. There are two other brothers, one is Bill and one is Jack, I believe.

Q. Jack is the one I am thinking of.

A. Yes.

Q. Did he have any part of the operation?

A. Not to my knowledge, no.

Q. And during this period, the four to five years prior to July, 1957, did McDermott take a part in the bank nights?

A. As long as I was ever out there they were connected out there, yes.

Q. Both McDermott and Feeley were connected?

A. Yes, sir.

Q. And then after the new charter came in in July, 1957 and the Club became known as the Centre Road Veterans Association, did you continue to have an interest in the same way in the operation?

A. Yes, sir.

Q. And right up to the time that it went out of business?

A. Yes, sir.

Q. And did the same group carry on after the new charter came in in July, 1957?

A. When they changed charters, there was no substantial change in the operation of the club.

Q. Then, apart from yourself, McDermott and Feeley, who else would be putting up moneys on the nights that the bank game was carried on?

A. Well, it might be anybody. Anybody was privileged to do that.

Q. What about Midgely?

A. He often put up money if there was a bank game.

Q. And what about Lafrade?

A. Lafrade, I don't ever recall him putting in any interest in the fade game - the bank game.

Q. Who was the steward out there in the last four years?

A. Well, Lafrade was still the steward.

Q. He was still the steward?

A. Yes.

Q. Now, apart from those two clubs, what other gaming clubs did you have an interest in or participate in the operation of?

A. None whatsoever.

Q. Do you recall - or let me ask you this first. How long have you known Clayton Kehoe?

A. Oh, a long time. Over fifteen years.

Q. And where did you meet him - in the gaming circles?

A. Yes.

Q. And did he have any interest in the operations of either the Jordan or the Centre Road Veterans Club or its predecessor?

A. Not to my knowledge, sir, no.

Q. No. Were you out at the Alpha when it was out at the Thorncliffe Leaside location?

A. At what time are you referring to?

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cc/1/vr

Q. Well, you recall that originally the Alpha was operated out at Leaside, don't you?

A. Yes, sir.

Q. And you played out there, did you?

A. That was back in 1940?

Q. Well, even earlier than that, around that time.

A. Yes, sir.

Q. And did you ever play out there?

A. Yes, sir.

Q. When it was at Leaside?

A. Yes, sir.

Q. Did you have something to do with moving the Alpha out to Cooksville, Centre Road?

A. No, sir.

Q. Not a thing?

A. No, sir.

Q. You came into the picture out there after they had started up for some time?

A. A few years after.

Q. You knew Deputy Commissioner Bartlett?

A. No, sir.

Q. Have you ever met him?

A. First time I ever saw him in my life was this morning in this ---

Q. Do you recall being asked by Clayton Kehoe to deliver a parcel for him?

A. Yes, sir.

Q. What year was that?

A. I would say it is four or five years ago.

Q. Have you any way of fixing the year?

A. No, sir, just when recalling by my memory, that is all.

Q. Have you any idea what month of the year it was?

A. Pretty sure it was in the summer time, July or August.

Q. Have you any way of confirming that?

A. No, sir.

Q. And just tell us what took place.

A. Well, one afternoon approximately maybe between one-thirty and two-thirty at the King Edward Hotel, I met Mr. Kehoe and he gave me an envelope with instructions to give it to McDermott or Feeley, and at that time I asked him what it was for, and he said that it had something to do with some money that had been left in Mr. Bartlett's home and that he wantdd to return it to them.

Q. Return it to whom?

A. ToMcDermott and Feeley.

Q. What part of the hotel did you meet him in?

A. In the lobby.

Q. Were you in the habit of being

there regularly?

A. Yes, sir.

Q. In the King Edward?

A. Yes, sir.

Q. Whereabouts did your conversation take place, what part of the lobby?

A. Close to the entrance to the cafeteria.

Q. That would be on the west side?

A. Yes, sir.

Q. Were you sitting down or standing up?

A. No, sir, standing up.

Q. And he turned this envelope over to you at that time?

A. Yes, sir.

Q. And did you know what was in it?

A. I never saw what was in it, but he mentioned that there was money in it.

Q. And he wanted to get that money back to McDermott and Feeley, is that the idea?

A. That is right, sir.

Q. Now, have you talked over this with Clayton Kahoe?

A. No, sir.

Q. Since you were subpoenaed?

A. No, sir.

Q. Or at any time after you got that envelope from him?

A. I never discussed the incident with

him to any - to any point where there was any story to it. He told me that we discussed what happened up in the -- how the money had been left there, the story come back, but that is all.

Q. Now, did you report - what did you do with the money after you got it from him, or with this envelope?

A. Took it over to the Jordan Club.

Q. And what did you do with it when you got there?

A. Well, McDermott was in the habit of being there in the afternoons. I thought I would give it to him there, but he was not there this particular afternoon, and I left it with Mr. McLaughlin with instructions to give it to him.

Q. Did you enquire afterwards from McDermott as to whether he got it?

A. No, sir.

Q. Did you enquire from McLaughlin afterwards as to whether McDermott had got it?

A. No, sir. I don't remember him saying that he had got it or he hadn't got it.

Q. How long was this befofe the Jordan Club closed up?

A. I would say it would be a period of four years, four or five years.

Q. Did you make any report to Clayton Kehoe?

A. No, sir.

Q. Of what you had done?

A. No, sir. It was some time later - later to this incident when I run into Mr. Kehoe.

Q. How long after this incident did you run into Clayton Kehoe again?

A. Well, it was a matter of months. I don't recall exactly how long it would be.

Q. And did you just discuss then what you had done with the parcel?

A. I don't recall discussing the parcel with him at that time.

Q. Now, you are still, I take it, pretty ~~ft~~ close to Midgely?

A. Yes,sir.

Q. What is his first name?

A. E.nie.

Q. Ernest, and I take it you see him from day to day or quite often?

A. Yes, sir, not every day I wouldn't say.

Q. No,but have you discussed with him recently this incident about the envelope that you got from Kehoe?

A. No,sir.

Q. Not at all?

A. No, sir.

Q. And when did he get back from Florida recently?

A. It might have been a week or so ago, week or two ago. I don't recall exactly when he came back.

Q. Have you talked to him since then?

A. Talked twice since then.

Q. And did he tell you that he had been talking to Clayton Kehoe down in Florida?

A. He mentioned, yes, that he saw him down there.

Q. Did he mention anything about this Commission?

A. I don't recollect him saying anything about the Commission, no, sir.

Q. Were you down in Florida?

A. No, sir.

Q. Weren't you away this winter?

A. No, sir. Haven't been in Florida for a few years as a matter of fact.

THE COMMISSIONER: How intimate are you with Midgely?

A. I have known him for a good many years, your lordship.

Q. How many?

A. Oh, twenty years, twenty-two years.

Q. Is he a man about your age?

A. No, sir. He is older than I am.

Q. How much, roughly?

A. I think he is in his early 50's, five or six years.

Q. You told me you are forty-six. He is five or six years older than you are?

A. Yes, sir.

Q. And do you have some common interests apart from the interest in the gambling operations?

A. No, sir.

Q. What does he do for a living?

A. He was in the promotion business, stock promotion.

Q. Promoting stocks?

A. That is right, sir.

Q. For whom?

A. Well, he was in business for himself with Mr. O'Sullivan.

Q. Do they have an office?

A. Yes, sir.

Q. Where?

A. On Bay Street.

Q. Do you know where on Bay?

A. No, I was never up there.

Q. How long was he in that business?

A. I couldn't recall exactly how long he was in there. For a number of years.

Q. Have you ever been in his home?

A. Yes, sir.

Q. Recently?

A. It is some time since I have been in there. I don't think I have been in - I might have been over once since he came home from Florida.

Q. He came home two or three weeks ago.

A. Yes, sir.

Q. Has he been living at home steadily ever since he returned from Florida?

A. As far as I know.

Q. Has he a family?

A. Yes, sir.

Q. Some ofthem grown up?

A. Yes, sir.

Q. Any of them live in Charlotte?

A. He has got a married daughter living there.

Q. Was he down in Charlotte?

A. I believe so.

Q. When?

A. Recently.

Q. How recently?

A. Within the last month.

Q. And he has been in Toronto for the last two or three weeks, you said?

A. Yes, sir.

THE COMMISSIONER: Right.

MR. WILSON: Q. I have a list here of members in the Gordan Club, and I see it totals 336. Did these members all pay the $200 fee?

A. To the best of my knowledge they were, but I couldn't say. I never had anything to do with keeping any books.

Q. Was there any particular time of the year when the membership fee was to be paid?

A. Not to my knowledge there wasn't, no.

Q. Now, in the Centre Road Club, what were the arrangements for fees there?

A. Well, on different charters they shad different arrangements.

Q. Let us take the latest charter, the Centre Road Veterans Association.

A. I believe it was $20 or $25 a year.

Q. I see in the list there were 1,098 names on the membership list?

A. I have no knowledge.

Q. You have no knowledge. You were bothered, I take it, at both the Veterans Club in Centre Road,Cooksville and at the Jordan by raids from time to time by the police, isn't that right?

A. That is correct, sir, yes.

Q. Taking the Centre Road Club first, what were the arrangements to forestall any successful raid by the police, that were taken by the pepple that were running the club?

A. When the police came out there we

would, if there was a game going on, we would just stop playing and play cards, that is all.

Q. You mean by the time you got the warning of the police being at the door, you could get rid of all the incriminating evidence and go on with a nice friendly game of cards or something like that?

A. That is correct, sir. It never -- the only incriminating evidence there was was a few chips that we had used to play poker with.

Q. And what about the dice, where would they go?

A. Somebody would put them in their pocket, that is all.

Q. I suppose you had similar problems from time to time at the Jordan Club?

A. Just towards the last, last few months of the operation down there, that is all.

Q. Now, at the Centre Road Club in Coonsville, have you any knowledge of any arrangements made to get tip-offs from any police force that might be involved in a possible raid on the Club?

A. I had no knowledge of anything like that.

Q. Do you know whether there was such an arrangement?

A. No, sir, not to my knowledge. I

know nothing about any tip-offs.

Q. You had a piece of this operation, but you say you have no knowledge of a lot of the administration of the club, I take it?

A. That is correct.

Q. Who would have some knowledge of the administration of the club?

A. Well, the steward used to look after that. Mr. Lafrade looked after all the book work as far as I know.

Q. You would say that Lafrade at Centre Road and McLaughlin at the Jordan would look after the administration of the club?

A. That is correct.

Q. And would security come under that heading?

A. I don't quite understand you.

Q. Well, I understood you had a pretty effective set-up there in the way of doors and locks and look-outs and everything. Who would be responsible for looking after that? The manager or the steward?

A. The steward used to sit right near the front door.

Q. But who would work out the different security measures to make sure that the police would not get in too fast?

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A. It was usually Feeley, McDermott, they used to look after that.end of it pretty well.

Q. I take it that whatever you or anybody else contributed to the bank on any good night, that you would get your share of the profits after all the expenses were deducted?

A. We used to take care ofthe fellow in the parking lot and anybody that happened to be upstairs that would give us a hand with the game, but as far as any of the regular staff of the club they were all paid from the dues of the club.

Q. You are saying there were sort of two sets of - two financial operations, the membership fees and the profits ---

A. Gambling has nothing to do whatsoever with the actual membership of the club, fees derived.

Q. No,so that moneys that were received or paid out as a result of the gambling, bank operations, would have nothing to do with the ordinary club funds?

A. That is correct.

Q. Who then was the financial man so far as the gambling operations as distinct from the club operations, at Centre Road?

A. I done all my business with Feeley. He was there every night.

Q. Did you make your split each night?

A. Yes, sir.

Q. At the end of the game, you would

sit down and work it out and pay off?

A. That is correct.

Q. And divide up the profits, if there were any?

A. That is correct.

Q. Or you would share the losses on the nights that you had a bad night?

A. That is correct.

Q. And in your experience what was the longest string of losses you ever had in the club, and I mean, one, two, three or five nights in a row?

A. It is possible but I wasn't there every night myself.

Q. Well, on the nights you were there, what would you expetience be as to the number of nights that the club - percentagwise the number of nights the clubs might lose money?

A. It could lose nine or ten nights in a row without winning.

Q. You say that could happen?

A. Easily.

Q. Did it happen when you had much money in it?

A. Well, I wouldn't say that - I wouldn't like to state on any exact number of days, but I know it has run into three or four or five nights.

Q. From your own experience?

A. That you could lose in a row.

Q. But on average would the club come out on the right side, that is,the gaming operation, over, say, a period of a month?

A. Well, I would say it did,yes.

THE COMMISSIONER: You wouldn't be in there if it didn't, would you?

A. Everybody was trying to win.

Q. I know, but if it was a constant loss, you wouldn't stay in it?

A. Probably run out of money.

Q. By the way, did you have a bank account at that time?

A. Yes, sir.

Q. Where was it?

A. The Bank of Nova Scotia, at the King Edward Hotel.

Q. Did you have only the one account?

A. Yes, sir.

Q. Have you still got it there?

A. Yes, sir.

Q. Is it in your name?

A. Yes, sir.

Q. Only?

A. Yes, sir.

Q. How long have you had your bank account there?

A. Fifteen, twenty years.

Q. Are you married?

A. Yes, sir.

Q. Has your wife got a bank account?

A. Yes, sir.

Q. Where is it?

A. The Kingsway Branch of the Bank of Montreal.

Q. Where is the Kingsway Branch, what street?

A. It is close to Royal York Road and Bloor.

Q. Have you got a safety deposit box?

A. Yes,sir.

Q. Where is it?

A. Crown Trust Company.

Q. How long have you had it?

A. Twenty years.

Q. Any place else that you keep your money or securities?

A. No, sir.

Q. Do youfile an income tax return?

A. Yes, sir.

Q. Have you for a number of years?

A. Yes, sir.

MR. WILSON: Q. Do you disclose your winnings from gaming in your income tax return?

A. No, sir.

Q. Why not?

A. I was never fortunate enough to make any profit.

Q. Well,your partners, McDermott and Feeley, they make a return and say they are

gamblers.

A. I don't know anything about what their business is.

Q. But I am just interested, if they show a profit, how would you explain it if you did not?

A. I got no explanation for them. I don't know all their businesses.

Q. They haven't shown you their income tax returns?

A. No, sir.

Q. Now, onk the nights when things were really rolling and the house was doing well, what would be the maximum or the biggest profit that you would earn out there in an evening and a morning - not you, the total?

A. You mean the total ---

Q. Total profit.

A. It has gone as high as two or three thousand dollars.

THE COMMISSIONER: Never any higher than that?

A. Not when I was collecting.

Q. How many people would be playing?

A. It depended a lot on what particular night it would be. There was only one pool table there and we couldn't get any more than 20 people around it, 25 people.

Q. Was there any limit onthe bet?

A. There was - when we used to change

A. I don't know anything about what
Q. But I am just interested, if
they show a profit, how would you explain it
if you did not?
A. I got no explanation for them.
I don't know all their businesses.
Q. They haven't shown you their
income tax returns?
A. No, sir.
Q. They are relying upon things
were really selling and the house was doing
well, when would be the maximum or the highest
profit that you would care out there in an
evening and a morning - not you, the court?
A. You mean the total ---
Q. Total profit.
A. It has gone as high as two or
three thousand dollars.
THE COMMISSIONER: Never any higher than
that?
A. Not when I was collecting.
Q. How many people would be playing
A. It depended a lot on when
Q. Particular nights it would be. There was only
one pool table there and we couldn't get any
more than 8 people around it, 10 people.
Q. You Were not like some
A. There was - when we used to change

the limit - it depended who was connected with the bank. If it was a fade game they used to bet what they wanted to do.

Q. With the fade game what was the limit?

A. They had a different limit different nights.

Q. What was the highest limit?

A. $200.

MR. WILSON: Q. In the last five years what has been your average income from your employment?

A. I would say approximately $5,000, run between five and six thousand.

Q. What would you set your net worth was, in, say, the end of 1959, December 31st, 1959?

A. I think I made out a net-worth statement around that time to the extent of about $50,000, including my house and everything.

Q. Was that savings from your work?

A. Yes, sir.

Q. And on your employment that you had in the last ten years, have you ever made over $5,000?

A. No, sir.

Q. Did you have any money left to you?

A. No, sir.

Q. Prior to the last ten years, did

you ever make any big money somewhere that enabled you to save this?

A. Prior to ten years ago?

Q. Yes.

A. Just the increase in the equity in my home.

Q. What would you say was the source of this net worth of $50,000 at the end of 1959? Was it your savings from your salary?

A. It included my home.

Q. Yes, but how did you amass this money to buy your home and so on?

A. I don't recollect just exactly.

Q. What do you value your home at today?

A. Well, $23,000, I think, 500, is the purchase price at the time I bought it.

Q. What do you value your summer cottage at?

A. Approximately $5,000.

THE COMMISSIONER: Any mortgage against either one?

A. Yes, sir.

Q. Where is your home, your address?

A. In Belvedere Boulevard.

Q. You value it at how much, $23,000, you said?

A. That is what I paid for it.

Q. When did you buy it?

A. Ten years ago.

Q. Is there a mortgage on it now?

A. Yes,sir.

Q. How much?

A. Around $6,000.

Q. You have a summer cottage?

A. Yes, sir.

Q. Where?

A. At Sturgeon Lake.

Q. When did you buy it?

A. Around 1949, 1950 somewhere.

Q. How much did you pay for it?

A. It was approximately $5,000.

Q. Is there a mortgage left on it now?

A. No. I bought that from the profit off the home where I moved from into the home I was living at the present time.

MR. MacKINNON: I cannot hear the witness.

THE COMMISSIONER: There was no mortgage on his cottage and he bought it out of the profits that he had made from the sale of another property.

MR. WILSON: Q. Did Midgely and yourself have an interest in the SelbyHotel on Sherbourne Street in the City of Toronto at any time?

A. Around 1946,yes sir.

Q. What was the interest that the two of you had in that hotel at that time?

A. I had a 25 per cent interest at that time.

Q. And what interest did Midgely have?

A. The same.

Q. And what did it cost ---

THE COMMISSIONER: How much, 25 per cent?

MR. WILSON: 25 each.

Q. What was the purchase price?

A. Well, I think there was $15,000 apiece that we issued at that time.

Q. And did you later dispose of your interest in the hotel?

A. Yes, sir. It was only a year or two later.

Q. That is all, thank you.

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EXAMINATION BY MR. MacKINNON:

Q. Just while we are on that, witness, what kind of a car do you drive?

A. 1958 Cadillac.

Q. Cadillac?

A. 1958 Cadillac.

THE COMMISSIONER: I beg your pardon?

A. 1958 Cadillac.

MR. MacKINNON: Q. Is it cream coloured, too? What colour is yours?

A. Blue.

Q. Do you own any property --

A. Light blue.

Q. Do you own any property in Florida?

A. No, sir.

Q. No interest outside the country at all?

A. No, sir.

Q. Now, I am interested in your employment with Joseph Price Sales. What do you do?

A. I am in the sales promotion.

Q. What are you promoting?

A. We sell potato chips.

Q. You have heard of the Showman's League of America (Ontario Chapter), have you?

A. Yes, sir.

Q. Have you an interest in that organization?

A. Never been inside the club, sir.

Q. Do you know its location?

A. Yes, sir.

Q. Who is --

THE COMMISSIONER: What is this Showman's League?

MR. MacKINNON: Showman's League of America.

THE COMMISSIONER: Q. What is the location?

A. Its in the same building as we have.

Q. What is that?

A. 1 Howard Park Avenue.

MR. MacKINNON: Q. 1 Howard Park?

A. Yes.

THE COMMISSIONER: Q. Is that the building where the offices of your firm are?

A. And the warehouse, sir.

MR. MacKINNON: Q. You have heard of Chipper Sales and Advertising Club, have you?

A. That is correct, sir.

Q. Who is Joseph Robert Price?

A. He has that club.

THE COMMISSIONER: Just a moment. Chipper what?

MR. MacKINNON: Chipper Sales and Advertising Club.

THE COMMISSIONER: What is your next question?

MR. MacKINNON: Q. Who is Joseph Robert

Price?

A. He is the fellow I work for.

Q. What is his interest in this club?

A. Well, he organized the club to do with the sales promotion.

Q. Are you a member of this club?

A. No, sir.

Q. Once again, is it in the same building as you operate out of?

A. Yes.

Q. Do you know whether the police suspect this as being another gaming establishment?

A. I have got no knowledge of that, sir. No, sir.

Q. If I might come back to the Showman's League of America, which you say is in the same building. What interest has Joseph Price got in that organization?

A. To my knowledge he doesn't have any interest in it.

Q. And what do you know about it?

A. I have no knowledge of the club; I don't know anything about it. Its in a separate section of the building and I have never been in it.

Q. You have never been in it?

A. No.

Q. Do you know Louis Herman?

A. Casually.

Q. Where would you meet him?

A. I met him on a couple of occasions; I don't recall where.

Q. Who would introduce you to him?

A. I think it was Feeley who introduced me to him one day on Adelaide Street.

Q. You have never been in his office?

A. Just on one occasion.

Q. What for?

A. I don't recall now. I think it was I went up to Feeley, something to do with the charter. I don't recall what the particulars were.

Q. What charter?

A. I think it was with regards the Jordan Club.

Q. And what were you seeking to do? You had an interest in the Jordan Club, you told us. What were you seeking to have Mr. Herman do in connection with that charter?

A. I don't recall what it was exactly.

Q. That is the only time you have been in his office?

A. Yes, sir.

Q. And did you know Mr. Herman was a director of this Showman's League of America (Ontario Chapter)?

A. No, sir.

Q. Which is in this building, 1 Howard Park.

A. No, sir, I didn't.

Q. Do you know James Wesley Conklin?

A. I just know him by being the son of Paddy Conklin, I believe.

Q. But you have never met him either?

A. Yes, I have met him on one occasion.

Q. In this building, 1 Howard Park?

A. No, sir.

Q. Where did you meet him?

A. I met him at the King Edward Hotel at the Queen's Plate a couple of years ago.

THE COMMISSIONER: Q. At what?

A. At the Queen's Plate Ball.

MR. MacKINNON: Q. Once again, was it Peeley or McDermott who introduced you to him?

A. No, sir.

Q. You were introduced to him?

A. Yes, sir.

Q. By whom?

A. By his father.

Q. You know his father?

A. His father or his uncle, I am not quite sure which one was there.

Q. And is this a club house which it does operate on these premises?

THE COMMISSIONER: In what a club house?

MR. MacKINNON: Q. This Showman's League of America (Ontario Chapter)?

A. Yes, sir.

THE COMMISSIONER: Q. You say it is a

club?

A. It is the Showman's Club of America. It has to do with the show people, the circus people that go on -- as a carnival.

Q. I see.

A. I believe most of the lads who belong there work in carnivals and they have their own club.

MR. MacKINNON: Q. You now pledge your oath you have never been in this club?

A. That is correct.

Q. Who owns the building?

A. Joseph Price.

Q. And Mr. Price was, of course, a member of the Centre Road Veterans Club; isn't that correct?

A. I believe so.

Q. You know so?

A. Yes, sir.

Q. You are not suggesting you do not know Mr. Price very well? You have known him for a long time.

A. That is correct.

Q. Now, coming to the Jordan Club. What was your exact percentage in that club? You have given a total of 15 per cent. What was your percentage in it?

A. I was partner with McLaughlin, that was his percentage, and I was partner's with him.

Q. You would have 7½ per cent?

A. That is correct. Originally, but when the club was terminated I didn't have any percentage.

Q. Well, the operators behind this club, there is no point in beating about the bush, were Feeley and McDermott, they were the big figures in this club?

A. It is rumoured they were.

Q. You would know, wouldn't you, you were a partner in it?

A. That is correct.

Q. You are under oath. Feeley and McDermott were the ones, to your knowledge, who had the large share of this operation. Isn't that correct?

A. Yes, sir.

Q. Yes. And Mr. Midgely, who I gather has been a close friend of yours for some time -- Hasn't he?

A. That is right.

Q. He had an interest as well, didn't he?

A. Yes.

Q. Do you know what his percentage was?

A. No, I don't.

Q. Why would not you?

A. They never used to tell me their business. I had a representative in there that I done business with and that was the way it was.

Q. When you were divvying up the spoils, surely, you would know what the other people's percentages were before you would know what you were entitled to?

A. Not necessarily.

Q. Why not?

A. Because I had a percentage with my representative in there and I left everything up to him.

THE COMMISSIONER: Q. And who was he?

A. Mr. McLaughlin.

MR. MacKINNON: Q. And he is dead?

A. That is correct.

THE COMMISSIONER: Q. Was there never a statement prepared?

A. With regards to -- ?

Q. Showing the amount.

A. Not to my knowledge.

MR. MacKINNON: Q. Surely you would have some interest in what your overhead was, whom you had to pay, and how much?

A. That was paid from the membership. I didn't have anything to do with the operation of who was paid and who wasn't paid, and the bills and that; that was taken care of by the auditor.

Q. Who was the auditor?

A. I believe it was a fellow by the name of Lawrence.

Q. Is that Cliff Lawrence?

A. Yes, sir.

Q. Do you know where he carries on business?

MR. WILSON: I do.

THE WITNESS: It is on Yonge Street. I don't know the exact address.

MR. MacKINNON: Q. Is he an accountant?

A. Yes, sir.

Q. Would the accounts he prepared, do you tell us, they would cover as well disbursements for lookouts and outside men, and all the protective devices you had to employ?

A. I am not saying that.

Q. If we discovered they do not show payments for these purposes, who would pay that money and where would it come from?

A. There was no lookouts at the Jordan Club and there was nobody down there that would have to be paid in that respect.

Q. How about paying for tipoffs?

A. I have no knowledge of any tip-offs at all.

Q. It is quite apparent from the evidence we have had here that the off was given at these clubs.

A. On the Jordan Club?

Q. At the Jordan Club as well as all these other clubs.

A. None to my knowledge whatsoever.

Q. You were never there when the police raided?

A. Yes, sir.

Q. So you say you had no fore-warning of that police raid?

A. No, sir.

Q. But the door was sufficiently barricaded that you could get rid of the evidence?

A. That is not so, sir. The door on the Jordan Club was wide open at all times.

Q. You were not suggesting you were carrying on a legitimate business?

A. No, sir.

Q. So the police could have walked in at any time and taken you by surprise?

A. Yes, sir.

Q. But they did not?

A. They did on numerous occasions.

Q. They never took you by surprise?

A. There was nothing for them to see. They used to come in and play cards and if you wanted to make a bet you could make a bet.

Q. That was the purpose of the ticker tape? There was no other purpose for it? You know, you were part and parcel of this picture. The ticker tape was there for the purpose of illegal betting.

A. Well, actually, its a service there; it had nothing to do with the betting.

Q. They would not be using --

A. All it was was to give out results.

THE COMMISSIONER: Q. You know what you had to pay when you got the results?

A. There was no information that came over there pertaining to any payoffs, or anything, on the ticker.

Q. Any payoffs on the ticker, what do you mean?

A. There was -- On there was the result of a sporting event; there was nothing to do with horses.

Q. Nothing to do with horses?

A. Nothing whatsoever.

Q. For sporting events?

MR. MacKINNON: Q. There was betting going on on these sporting events?

A. That is correct.

THE COMMISSIONER: Q. Who took the bets?

A. McLaughlin.

Q. McLaughlin took the bets. All right. When the results were known you got the results over the ticker tape?

A. That is right, sir.

Q. And you would know what odds you had to pay?

A. That is right, sir.

Q. Where were the odds computed?

A. Well, they would phone -- They used to use the phone to phone out any bets that were made there.

Q. Where did they telephone them to?

A. Numerous places.

Q. I want to know where they were, Witness.

A. I don't recall.

Q. Now, please.

A. There was a back end.

Q. Where was the back end?

A. I have no knowledge of where the back end was.

Q. You are pledging your oath you did not know where any of the back ends were?

A. Yes, sir.

Q. Not one of them?

A. There was only one.

Q. Where was it?

A. I don't know.

MR. MacKINNON: Q. Do you know Worthy Bennett, Witness?

A. Pardon?

Q. Do you know Worthy Bennett?

A. Worthy Bennett; yes, sir.

Q. Do you still say you do not know where the back end was on this establishment?

A. That is right.

THE COMMISSIONER: Q. Well, think of it over the week-end. We will adjourn now until Monday morning and you think of it over the week-end.

A. The only thing I knew was the phone

number and I don't recollect what the number was. That was a long time ago.

---Whereupon the inquiry adjourned at 3.58 o'clock p.m. on Friday, 11th May, 1962, until 10;00 a.m. on Monday, 14th May, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

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